



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

REPORT 5/05

MARCH 2005

Promoting Improvement in Criminal Justice

CPS SURREY



AREA OFFICE

Guildford

OTHER OFFICES

Staines

MAGISTRATES' COURTS

Dorking, Guildford, Redhill, Staines, Woking

CROWN COURT

Guildford

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PREFACE

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

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

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

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

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

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

HMCPSI has offices in London and York. The London office houses the Southern Group and part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office 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 six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The inspection framework we have developed from the Business Excellence Model can be found summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

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

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the second cycle inspection of all 42 Areas. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Surrey (the Area) which serves the area covered by the Surrey Constabulary. It has offices at Saxon House in Guildford and a co-located unit at Staines Police Station. The Area Headquarters (Secretariat) is based at Saxon House.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts and have bases at Saxon House and Staines Police Station. The Trials Unit (TU) reviews and handles cases dealt with in the Crown Court and is also based at Saxon House.
- 1.3 At the time of the inspection in September 2004, the Area employed the equivalent of 62.6 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 3.6 other staff. An Office Services section of 6.6 Level A staff also forms a part of the Area Secretariat. Details of staffing of the units (excluding the CCP and ABM) are set out below:

Grade	Guildford/ Woking CJU	Staines CJU	Reigate CJU	TU	Secretariat & Office Services
Level E	-	-	-	1	-
Level D	1	1	1	1	-
Level C lawyers	7.2	2.8	5.6	2.8	-
Legal trainee	1	-	-	-	-
Level B2 caseworkers	0.9	0.4	0.5	1.8	1
Level B1 caseworkers	1	1	1	9.2	2
Level A caseworkers	4.6	1	1	3.6	7.2
TOTAL	15.7	6.2	9.1	19.4	10.2

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

1.4 Details of the Area's caseload in the year to September 2004 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	983	7.2	7
Advice	507	3.7	12.1
Summary offences	7,882	58	50.5
Either way and indictable only	4,081	30	29.6
Other proceedings	146	1.1	0.8
TOTAL	13,599	100%	100%

1.5 The Area's Crown Court finalised cases in the year to September 2004 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	352	30.2	30.5
Either way offences	490	42.1	43.9
Appeals against conviction or sentence and committals for sentence	323	27.7	25.6
TOTAL	1,165	100%	100%

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Surrey (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit a small number of additional staff.

1.7 The Area's caseload has reduced by 16% since the last inspection, even though the implementation of the shadow pre-charge advice scheme has meant a significant increase in the numbers of advice cases. The average number of cases dealt with per lawyer and caseworker overall has reduced significantly. However, the average number of summary trials, and committals for trial or sent cases, per lawyer have increased.

The report, methodology and nature of the inspection

1.8 The inspection process is based on the inspection framework summarised at Annex 1. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas. These are set out in full in Annex 1A and are cross-referenced to the sub-headings in the text.

- 1.9 There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate one considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.
- 1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Surrey also drew on findings from the previous inspection of the Area, a report of which was published in August 2002. As a result of this risk assessment, it was determined that the inspection of CPS Surrey should be a full one.
- 1.11 Our previous report made a total of 17 recommendations and five suggestions, as well as commending eight aspects of good performance. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.
- 1.12 Our methodology combined examination of 116 cases finalised between April - June 2004 and 11 custody time limit cases selected whilst on-site, as well as interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases.
- 1.13 A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.
- 1.14 Inspectors visited the Area between 20 - 30 September 2004. The lay inspector for this inspection was Sally-Ann Jarvis, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. She examined files that had been the subject of complaints from members of the public and 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.
- 1.15 HMCPSI led a joint inspectorate inspection of the Surrey criminal justice area at the same time as this core inspection of CPS Surrey. The other Inspectorates involved were HM Inspectorate of Constabulary (HMIC), HM Magistrates' Courts Inspectorate (HMMCSI), HM Inspectorate of Prisons, and HM Inspectorate of Probation. The joint inspectorate team were also assisted by Victim Support's Quality and Standards Department.

- 1.16 The joint inspection looked at how effectively the criminal justice agencies, and partners such as Victim Support and the Witness Service, were working together in Surrey to deliver the outcomes necessary to achieve the targets set by the Surrey Criminal Justice Board. This inspection is the subject to a separate report (the joint inspection report). The pivotal role of the CPS within the overall criminal justice process means that there is considerable overlap between the issues considered in this core report on CPS Surrey and the joint inspection report.
- 1.17 The purpose and aims of the HMCPSI are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report, which are based upon our inspection framework developed from the EFQM Business Excellence Model (see Annex 1). Other sub-headings deal specifically with Public Service Agreement (PSA) targets and equality and diversity issues.

Overview

- 2.2 The quality of decision-making in cases is generally satisfactory. The quality and timeliness of case preparation in the Crown Court is also satisfactory, although there are some aspects that can be improved, including the handling of disclosure. However, the continuing review and preparation of cases in the magistrates' courts, particularly for summary trial, remains a weakness in the Area.
- 2.3 The advocacy standards of both in-house and external advocates were satisfactory. The Area has a high agent usage and the existing steps taken to manage this can be strengthened.
- 2.4 CPS Surrey has undertaken significant changes since the last inspection, carried out in May 2002. It has piloted Compass (the national CPS electronic case management system); re-configured from one to three CJUs; rolled-out co-location at Staines CJU and in the TU; and is providing shadow pre-charge advice at the four charging centres in the Area. These changes have placed significant burdens on the Area, particularly the shadow pre-charge advice scheme. Senior managers have shown the drive to carry these key initiatives forward, although further development work is still necessary.
- 2.5 The Surrey Criminal Justice Board (SCJB) was formed in April 2003 and the CPS has played a leading role in it, with the CCP having been the Chair from inception. Partnerships with other criminal justice agencies are strong, although the approach to joint performance management (JPM) of police file quality and timeliness needs to be reviewed.
- 2.6 There are a number of aspects of people management that are good – for example staff induction, family-friendly working, the accessibility of senior managers and a well-regarded staff newsletter *Shout*. However, the meetings structure in the Area needs to be reviewed. The relationship between the Senior Management Team and the Area Management Team needs to be re-defined and a team meeting structure put in place to ensure full engagement between management and staff.

Key performance results

- 2.7 The SCJB is exceeding its target for bringing offenders to justice. This outcome is largely the result of police activity in relation to cautions and offences taken into account. It still remains too early to assess the impact of the pre-charge advice scheme on the overall numbers of offenders brought to justice.

- 2.8 The SCJB performance on cracked and ineffective trials is better than the national average, except in relation to ineffective trials in the Crown Court, where the primary reason for ineffective hearings is a lack of court time.
- 2.9 The timeliness in dealing with persistent young offenders (PYOs) has improved from 81 days in 2003 to 69 days in the three months to August 2004, against the national target of 71 days.
- 2.10 However, the results from our analysis of the file sample indicate that the Area is performing below the inspection cycle-to-date average in most aspects of casework – particularly in the CJUs. There is scope for the Area to improve both the quality and the timeliness of its casework.

Casework

- 2.11 The quality of pre-charge advice outside the shadow pre-charge advice scheme was good, but timeliness continues to be variable.
- 2.12 The quality of decision-making in the application of the Code for Crown Prosecutors’ (the Code) principles was generally satisfactory at first review, summary trial and committal/service of prosecution papers stages. However, performance was not as good as the inspection cycle-to-date average.
- 2.13 The preparation for summary trials was poor - review was timely in only 30% of cases (cycle average 78.6%) and additional evidence was requested in only 50% of relevant cases (cycle average 73.2%).
- 2.14 The quality of discontinuance decisions by the CJU was weak and decision-making tended to be late. By contrast, the decisions made by the TU were sound, although there was also a timeliness issue there.
- 2.15 The review and preparation of committal papers or the prosecution papers in “sent” cases was satisfactory. Additional information was requested in a high proportion of relevant cases – 96.3% compared to an inspection cycle average of 83.9%. However, we agreed with the application of the Code tests in only 91.1% of cases, compared to the cycle average of 96.1%. We also found that more could have been done to avoid the outcome or drop the case earlier in 30% of judge ordered acquittals (JOAs) and judge directed acquittals (JDAs); the cycle average is 23.3%.
- 2.16 Cases were dealt with at the correct level of charge in 68 out of 70 (97.14%) relevant cases in the sample. All nine cases where the original police charges needed to be amended in the magistrates’ courts were amended in a timely manner.
- 2.17 CPS policy guidance on the handling of child abuse is correctly applied. However, the Area needs to monitor the application of its policy in racially aggravated crime where charges are reduced, and in domestic violence cases where the victim wishes to withdraw.

- 2.18 The Area's compliance with its duty of primary disclosure in the magistrates' courts, at 68.4%, is comparable to the national average of 71.6%, and needs to be improved. Timeliness was poor. In the Crown Court, compliance with primary disclosure was significantly worse than the cycle average - 66.6% against a cycle-to-date average of 79.9% - although secondary disclosure was well handled at 86.6% against a cycle average of 59.4%.

Advocacy and quality of service delivery

- 2.19 We observed 17 advocates in the magistrates' and Crown Court - all save two were fully competent.
- 2.20 Prosecutors and agents usually attend magistrates' courts hearings in good time. However, the lateness of summary trial preparation results in late or inadequate preparation for pre-trial reviews (PTRs).
- 2.21 Preparation for cases in the Crown Court is fully satisfactory.

Victims and witnesses

- 2.22 Witness care at court by CPS prosecutors and caseworkers is generally good, with appropriate use made of Special Measures applications for vulnerable and intimidated witnesses. However, the Area could make better use of stand-by or witness phasing arrangements, within the limitations outside the CPS's control.
- 2.23 The Area implemented the national policy on Direct Communication with Victims (DCV) using the Victim Information Bureau model, but this was dissolved in July 2004 due to a prioritisation of resources in the Area. Surrey recognises that it is not complying with the CPS national standards – either by not sending out letters to victims when necessary, or failing to meet time guidelines for doing so.

Performance management

- 2.24 The Area has adopted Casework Quality Assurance (CQA), and reviews all adverse cases. However, the Senior Management Team does not receive monthly management information in a format that allows it to monitor key performance indicators for the individual units and the Area as a whole.
- 2.25 Joint performance management with the police of file quality and timeliness needs to be reviewed and developed as a joint performance tool.
- 2.26 The Area plays a full part in the local performance groups based on the magistrates' courts petty sessional areas. These groups jointly manage ineffective trials and persistent young offenders issues.

People management and results

- 2.27 The Area complies with CPS corporate employment policies. Staff induction arrangements are good, and training needs generally met, except in relation to casual administrative staff.

- 2.28 Although there is a good Area newsletter, managers need to do more to engage with staff in relation to the running of the Area. Most units do not have regular team meetings.
- 2.29 There is no rotation policy for lawyers between the TU and CJU, which reduces the flexibility of resources within the Area. The co-location of the Guildford/Woking CJU at Guildford Police Station will give the opportunity to review the size of the Area Secretariat/Office Services unit.

Management of financial resources

- 2.30 Budgetary controls are satisfactory. The Area will significantly overspend in this financial year as a consequence of the shadow pre-charge advice scheme, but has been managing the overspend and keeping CPS Headquarters informed.

Partnerships and resources

- 2.31 Partnerships within the local criminal justice system are strong and constructive and the CPS plays a leading role in the SCJB.
- 2.32 The CPS and the police have worked well together on two major initiatives: co-location and shadow pre-charge advice. Both the co-locations that had taken place at the time of the inspection (Staines CJU and the TU) have been successful. The shadow pre-charge advice scheme has been jointly implemented and managed by the police and CPS, and further work is now being done to identify and evaluate success criteria for the scheme.
- 2.33 Although the Area was a pilot site for Compass, work is still needed with staff to make full use of Compass and integrate it fully into Area business processes.
- 2.34 Partnerships with CPS Headquarters are good and both the CCP and ABM undertake work on its behalf outside the Area.

Policy and strategy

- 2.35 The Area's participation in the SCJB ensures that it is in touch with the needs and expectations of other criminal justice agencies, including Victim Support and the Witness Service. This also extends, although to a lesser extent, to wider community groups.

Public confidence

- 2.36 Public confidence in the effectiveness of the local criminal justice system in bringing offenders to justice is higher in Surrey than the national average - 45% as measured by the British Crime Survey compared to a national average of 41%.

- 2.37 The Area has established very useful links with the local community, although there is scope to extend this further through the SCJB. It is taking part in a project by the National Association for the Care and Re-settlement of Offenders (NACRO) to track the handling of minority ethnic defendants through the Surrey criminal justice system. The Area is also playing a full role in the No Witness No Justice project, which is again being developed through the SCJB.

Leadership and governance

- 2.38 The Area has a clear vision and, overall, staff morale is good.
- 2.39 Governance is exercised through a Senior Management Team (SMT) and an Area Management Team (AMT). The relationship between the two needs to be reviewed so that best use can be made of the AMT, and the running of the SMT put on a firmer footing.
- 2.40 The Area Business Plan is in the standard CPS format and includes milestones, outcomes and accountabilities. However, it is not supported by Action Plans at unit level.

Reducing ineffective trials

- 2.41 The proportion of trials that are ineffective is better than the national average in the magistrates' courts: 19.4% in July - September 2004 compared to 25.4% nationally. The proportion of ineffective trials attributable to the prosecution not being ready to proceed, or failing to make disclosure, is 6.2% compared to a national average of 9.5%.
- 2.42 From April - September 2004, 16.7% of trials in the Crown Court were ineffective. At Guildford Crown Court the figure was 23.4%. The reasons attributable to the prosecution not being ready to proceed, failing to make disclosure or serving additional evidence late, account for 11.4% of ineffective trials, compared to a national average of 16.3%.

Value for money

- 2.43 The numbers of lawyers and caseworkers have increased slightly since the last inspection. Whilst the overall caseload has decreased, the numbers of summary trials and committals or sent cases have increased. Unsuccessful outcomes in both the magistrates' courts and the Crown Court remain above the national average.

Equality and diversity issues

- 2.44 The Area has demonstrated a strong commitment to promoting equality and diversity, particularly in the provision of facilities for staff with disabilities.

Recommendations

- 2.45 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.

2.46 We have made six recommendations to help improve the Area's performance:

1. CJU Heads take all necessary steps to improve the quality and timeliness of summary trial review, including readiness for pre-trial reviews (paragraph 4.16).
2. Unit Heads work with the police to:
 - * improve the handling of primary disclosure in both the magistrates' courts and the Crown Court by ensuring the disclosure schedules contain a full description of the unused material, or copies of the relevant items are submitted with the disclosure schedules; and
 - * ensure each full file includes a copy of an MG6D or confirmation that there is no sensitive material (paragraph 4.29).
3. The Area ensures that all staff are fully trained on the current systems for Direct Communication with Victims and puts in place comprehensive monitoring systems to ensure compliance with the national standards (paragraph 6.6).
4. The Area develops a monthly unit-based performance analysis which enables a ready appraisal of each unit's performance and its relative contribution to the Area (paragraph 7.6).
5. The Area put in place structured, regular inter-disciplinary team meetings for all units (paragraph 8.19).
6. The Senior Management Team and Area Management Team review the role of each forum, its structure and composition, and agree:
 - * the composition, purpose and relationship of the forum; and
 - * clear Terms of Reference for each group (paragraph 13.8).

Good practice

2.47 We have also identified an aspect of good practice by the Area that might warrant adoption nationally. This is the use of detailed instructions to agents in complex summary trials (paragraph 4.16).

3 KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	96.1%	-	100%
Decisions complying with public interest test in the Code ¹	-	97.3%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	95.3%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	76.7%	-	67.5%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	13.1%	-	15.8%
Discontinued cases with timely discontinuances ¹	-	76.9%	-	68.7%
Decisions to discontinue complying with the evidential test ¹	-	93.2%	-	85.7%
Decisions to discontinue complying with the public interest test ¹	-	92.7%	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	88.2%	-	81.2%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	75.1%	-	90%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.5%	-	95.6%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(July - Sep 04) 36.9%	-	(July - Sep 04) 31.3%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	18%	-	0% (0 out of 5)
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(July - Sep 04) 25.4%	-	(July - Sep 04) 19.4%
Ineffective trials in the file sample that could have been avoided by CPS action	-	27.4%	-	33% (3 out of 9) ⁴
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	2.1%	-	2.4%
Decisions to proceed to trial complying with the evidential test ¹	-	96.3%	-	95.8%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.7%	-	100%
Cases with timely summary trial review ¹	-	78.6%	-	42.1%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	73.2%	-	30%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	38.4%	-	60% (3 out of 5)

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	83.4%	-	76.9%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.1%	-	91.1%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	83.9%	-	96.3%
Timely and correct continuing review after committal	-	85%	-	62.5%
Cases with timely service of committal papers on defence	80%	81% 79.9% ³	-	87.5% ¹ 56.4% ²
Cases with timely delivery of instructions to counsel	84%	85.2% 85.4% ³	-	91.6% ¹ 89.3% ²
Instructions to counsel that were satisfactory ¹	-	64.3%	-	43.4%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr - Sep 04) 39.2%	-	(Apr - Sep 04) 29.8%
Cracked trials that could have been avoided by CPS action ¹	-	17.8%	-	33% (2 out of 6)
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr - Sep 04) 16.7%	-	(Apr - Sep 04) 23.4%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	10.5%	-	0% (0 out of 1) ⁴
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		80%		100%
Indictments that required amendment ¹		26.1%		26.3%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		95.8%		100%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	30%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.8%	-	10.6%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+8.2% (as at June 04)		+35.2% (as at July 04)

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in full inspection cycle 2002-2004 based on a sample of cases examined and observations at court

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		71.6%		68.4%
Cases where secondary disclosure properly handled ¹		59.5%		100% 3 out of 3
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		96.8%		100%
Trials where appropriate use made of the witness care measures ¹		85.4%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		79.9%		66.6%
Cases where secondary disclosure properly handled ¹		59.4%		86.6%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		80.1%		55.5%
Trials where appropriate use made of the witness care measures ¹		93.4%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	93.7%	-	90.9%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	2003-04 93%	100%	96.7%
Handling of complaints				
Complaints replied to within 10 days ²	94%	2003-04 84.5%	96%	73.5%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	2003-04 98%	N/A	100%
Improving productivity				
Reduce sick absence rate per member of staff	8.5 days (2004)	9.2 days		6.2 days (2003)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	64 days (June - Aug 04)	71 days	69 days (June - Aug 04)

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

² self-assessment by Area

* average performance of Areas inspected in full inspection cycle 2002-2004 based on a sample of cases examined and observations at court

Commentary

- 3.1 The quality of decision-making in the application of the evidential test in the Code for Crown Prosecutors about whether or not to proceed with cases is generally satisfactory, although not as good as the inspection cycle-to-date averages, particularly at the committal/service of prosecution papers stage. The public interest Code test was properly applied in all cases we examined.
- 3.2 The quality and timeliness of summary trial preparation, including review decisions, is a weakness.
- 3.3 The quality and timeliness of case preparation for the Crown Court, at committal stage or service of prosecution papers, is satisfactory, but there is scope to improve the timeliness of continuing review thereafter.

Pre-charge advice to police

- 3.4 The quality of pre-charge advice outside the shadow pre-charge advice scheme was good, but timeliness continues to be variable.

Quality of decision-making

- 3.5 Although in the great majority of cases the Code tests were applied correctly, we disagreed with a higher proportion of evidential decisions at every stage than in the average for the inspection cycle-to-date.
- 3.6 The principal reason for this finding was a significant minority of cases, across the range of seriousness and complexity, where the test of whether there was a realistic prospect of conviction had not been rigorously applied. As a consequence, some weak cases that were bound to fail were being allowed to proceed. This was in both the magistrates' courts and in cases that went to the Crown Court.

Continuing review

- 3.7 Continuing review in the magistrates' courts appears re-active to events rather than systematic and pro-active. This is apparent in the relatively low proportion of cases where additional evidence or information is requested at first review (67.5% against a cycle average of 76.7%). It is also demonstrated in the timeliness of summary trial review (42.1% against a cycle average of 78.6%), the requests for additional information or evidence (30% against 73.2%) and the number of no case to answers where more could have been done to avoid the outcome (60% against 38.4%).
- 3.8 Casework performance in the Crown Court is generally satisfactory. We found a high proportion of requests for additional information at committal or service of prosecution papers (96.3% against a cycle average of 83.9%), although counsel subsequently raised issues that should have been raised by the CPS in four out of 23 relevant cases (17.4%). The timeliness of review at committal and service of prosecution papers, and continuing review thereafter, can be improved.

Discontinuance

- 3.9 The Area historically has a high rate of discontinuance. Nevertheless, we agreed with the decision to discontinue in most of the cases in the file sample, although our level of agreement - at 85.7% compared to 93.2% - was below the cycle average where the decision was made on evidential grounds. We also thought more enquiries could have been made before discontinuing in a higher proportion of cases than the cycle average: all reasonable enquiries were made in 81.2% of cases, compared to 88.2%.
- 3.10 Delays in discontinuance are related to the weaknesses of initial and continuing review already referred to.

Discharged committals

- 3.11 The TU Head is responsible for arrangements for monitoring any committals discharged as not ready. However, this is largely academic; we were satisfied that, in practice, committals are not discharged because the prosecution are not ready.

Level of charge

- 3.12 In both the magistrates' courts and the Crown Court the quality of judgment about the level of charge was good, with performance exceeding the national average on all measures, particularly on the timely amendment of charges.

Ineffective trials

- 3.13 The proportion of ineffective trials is below the national average in the magistrates' courts, but is above it in the Crown Court – although the primary reason here is insufficient court time.
- 3.14 We examined nine ineffective trials in the magistrates' courts and found three where the prosecution could have done more to avoid the outcome. It does not follow that a third of ineffective trials are attributable to the CPS, but it is a reflection of our earlier comments that the quality and timeliness of summary trial review needs to be improved.
- 3.15 There was only one ineffective case in the Crown Court sample, and that was not the fault of the prosecution.

Persistent young offenders

- 3.16 The Surrey criminal justice area's performance in relation to the timeliness with which persistent young offender cases are completed was poor for the quarter January - March 2004, but an Action Plan developed by the SCJB to improve timeliness has led to an improvement in the three months to August 2004 to 69 days.

Sensitive cases

- 3.17 CPS policy in relation to child abuse cases is generally properly applied. However, in one of the four racially aggravated offences in the sample, the charge was inappropriately reduced to a non–racially aggravated offence.
- 3.18 The Area has sought to apply CPS policy in domestic violence cases in a pro-active manner, particularly where the complainant indicates that they want to withdraw. In most cases we were satisfied that the policy had been correctly applied, but we found some delays in decision-making, and in two out of 12 cases the policy had been applied without proper consideration of the background to the case.

Adverse outcomes

- 3.19 Adverse cases comprise no case to answer (NCTAs) in the magistrates’ courts and judge ordered/directed acquittals (JOA/JDAs) in the Crown Court.
- 3.20 The NCTA rate, at 0.3%, is below the national average of 0.4%. However, the rate can be reduced further by CPS action; in three out of five (60%) cases more could have been done to avoid the outcome, or discontinue the case earlier, which compares to an inspection cycle average of 38.4%.
- 3.21 The JOA and bind-over rate (14.9%) is above the national average of 14.7%, and the JDA rate (0.9%) is below the national average of 1.8%. We found that more could have been done to avoid the outcome or drop the case earlier in six out of 20 (30%) JOA/JDAs, which is higher than the cycle average of 23.3%.

Narrowing the justice gap

- 3.22 The SCJB is exceeding its target for bringing offences to justice, largely as the result of police activity in relation to cautions and offences taken into consideration. It still remains too early to assess the impact of the pre-charge advice scheme on the overall numbers of offences brought to justice.

Disclosure

- 3.23 In the magistrates’ courts the Area’s compliance with its duty of primary disclosure mirrors the national average. Secondary disclosure was dealt with properly in all three cases where the duty arose, although timeliness was poor.
- 3.24 In the Crown Court, whereas secondary disclosure was well-handled, primary disclosure was unsatisfactory. The principal reason for this finding was that schedules of potentially discloseable items were not being scrutinised rigorously, inadequate descriptions of items were passing unchallenged, and in too few cases was the actual material being examined when it was clearly necessary to do so. It appears that disclosure decisions were being delayed until the secondary disclosure stage.

4 CASEWORK

Pre-charge advice to police (CAP1)

- 4.1 Since October 2003 the Area has been operating a shadow charging scheme, with lawyers attending charging police stations each weekday between 9am-5pm to provide advice to the police on submitted files and, on occasion, face-to-face advice as well. We comment on the operation of the scheme at paragraph 10.4 of this report and paragraphs 7.1 - 7.9 of the joint inspection report on the Surrey criminal justice area.
- 4.2 Our file sample covered a range of cases where the police had submitted a file for advice outside the shadow scheme. The sample included some very serious cases such as attempted murder, rape and child cruelty. The quality of the advice work was consistently good in both units; written advices were thorough and well reasoned and inspectors agreed with the conclusions in all of them.
- 4.3 Timeliness, however, continues to be a problem, in that only a minority of written advices (four out of ten) were given within 14 days of the receipt of an adequate file.
- 4.4 Whilst on-site we also examined 40 cases where the police had submitted requests for advice through the shadow scheme. In most of these the case papers were not available, and we were therefore reliant on the summary in the advice itself for the evidence in the case. In the great majority of cases we found the advice to be well reasoned and sensible. In one or two cases, however, the advice seemed to err on the side of caution. We also noted a number of cases where the police themselves did not consider there was sufficient evidence, but had still submitted files when there appeared no requirement to do so.

Cases ready to proceed at first date of hearing (CAP2)

- 4.5 The arrangements for the provision of files by the police for early administrative hearings (EAHs) and early first hearings (EFHs) generally work well. The CJUs receive the files in sufficient time to carry out a first review of the case. However, we found a minority of cases, particularly at the Guildford/Woking CJU, where the review for the first date of hearing appeared either sketchy or, in some cases, absent.
- 4.6 The decision-making at first review is generally satisfactory. We found that the evidential Code test had been properly applied in 61 out of 64 cases (95.3%) in the file sample and the public interest Code test was properly applied in all cases. The three disagreements related to the application of the evidential Code test - one case was inappropriately dropped at the first date of hearing and the other two were subsequently (correctly) discontinued. This underscores the importance of an effective first review, even where there is a shadow pre-charge advice scheme in place.
- 4.7 The quality of review was variable. An appropriate request for evidence or information was made in 13 out of 19 (68.4%) relevant cases that were dealt with in the magistrates' courts and 12 out of 18 (66.6%) cases in the Crown Court. It is important that additional evidence or information is requested at the earliest opportunity so that the Area pro-actively manages cases, rather than adopting a "wait and see" approach.

Aspects for improvement

- CJU Heads ensure that there is an effective first review of all cases and that the review is fully recorded.

Bail/custody applications (CAP3)

4.8 We were satisfied that appropriate applications are made.

Discontinuances in magistrates' courts (CAP4)

- 4.9 We examined 13 discontinuances initiated by the CJUs and three by the TU.
- 4.10 The quality of the decisions to discontinue by the CJUs was weak. We disagreed with the decision to discontinue on evidential grounds in two out of 13 (15.4%) cases, and in neither of them was there evidence that the police had been fully consulted. In a further two cases (15.4%) we thought the decision was taken prematurely, and more information should have been sought before a final decision taken. We also found that three out of 13 (23.1%) discontinuances were late.
- 4.11 By contrast, the three discontinuances on evidential grounds by the TU were well considered, and all appropriate enquiries made with the police before the case was dropped. However, two out of the three were late – in one case because the evidential problems should have been investigated at first review by the CJU.

Aspects for improvement

- * CJU Heads ensure that there is full and timely consultation with the police before discontinuing a case.

Summary trial preparation (CAP5)

- 4.12 The quality of decision-making is satisfactory. The Code tests were correctly applied in 23 out of 24 relevant cases (95.8%). However, the quality and timeliness of summary trial preparation is in urgent need of improvement, particularly in the non co-located CJUs.
- 4.13 In fewer than half of cases in the file sample (eight out of 19) was there evidence of a timely summary trial review, and in only three out of ten (30%) relevant cases was any request for necessary additional evidence and information made. Furthermore, three out of nine (33.3%) of the ineffective trials sampled may have been avoided by CPS action.

- 4.14 Pre-trial reviews (PTRs) took place in all cases, but more than one was necessary in a significant minority of cases because the CPS had either not fully prepared for the PTR, or had not served primary disclosure on the defence. It was apparent that, if the lawyer assigned to the case did not carry out the necessary preparatory work on a file for whatever reason, there was no system to ensure that another lawyer covered the work.
- 4.15 It was also apparent that, except to a limited extent at the co-located unit at Staines, there is no systematic final pre-trial check after the PTR to ensure that the prosecution are trial ready. At the Staines unit the linking of caseworkers to lawyers means that caseworkers are in a position to respond to requests from the Court Progression Officer at Staines Magistrates' Court who, shortly before the trial date, checks that witnesses have been warned and will be attending the trial.
- 4.16 One aspect of the Area's summary trial preparation deserves commendation. In cases of any complexity where agents are instructed, it is usual practice to include detailed written instructions drawing the agent's attention to significant features of the case. Some of these instructions were of better quality than those typically included in the Area's briefs to counsel for more serious cases in the Crown Court. We consider the use by the Area of instructions to agents in complex summary trials to be **good practice**.

RECOMMENDATION

CJU Heads take all necessary steps to improve the quality and timeliness of summary trial review, including readiness for pre-trial reviews.

Committal and Crown Court case preparation (CAP6)

- 4.17 The timeliness of the Area's review and service of both committal and prosecution papers is generally good. Although the date of review was not always clear from the file, the service of committal or prosecution case papers was timely in 21 out of 24 relevant cases (87.5%). We found that one out of 14 (7%) committal hearings was adjourned because of late service of committal papers, and in all ten relevant sent cases, the prosecution papers were served within the period directed by the court.
- 4.18 The quality of review and decision-making at committal, or prior to service of prosecution papers, is generally satisfactory.
- 4.19 The decision to proceed accorded with the Code principles in 41 out of 45 cases (91.1%). We disagreed with the application of the evidential Code test in three cases that were subsequently dropped as judge ordered acquittals, and one case that did proceed to trial, but resulted in an acquittal.

- 4.20 As far as the quality of review was concerned, requests for additional information were made in 26 out of 27 relevant cases (96.3%) at the committal review stage, which compares very favourably with the national average of 83.9%. However, there remains scope for improvement, with counsel advising on points the CPS should have reasonably already taken in four out of 23 cases (17.4%).
- 4.21 Case progression after committal or service of prosecution papers is generally effective, but can also be improved upon. Directions were complied with in a timely manner in 12 out of 14 relevant cases (85.7%). The TU dealt expeditiously with issues raised by counsel, or changes in circumstances, in five out of eight relevant cases (62.5%). We also considered that two out of 17 JOAs (11.8%) should have been dropped earlier. In two out of six (33.3%) of the cracked guilty pleas we examined, we considered the CPS could have done more to avoid that outcome by taking action earlier.
- 4.22 We found some lack of robustness in decision-making at the point of trial. In two out of six of the cracked guilty pleas, we considered alternative pleas had been accepted inappropriately when there was sufficient evidence to proceed with the original charges. In one of the JOAs we disagreed with the decision to drop the case when the defendant agreed to accept a caution.
- 4.23 Although the timeliness of delivery of instructions to counsel is good (91.6% timely), the quality remains weak. Only ten out of 23 (43.4%) satisfactorily addressed both the issues in the case and (where appropriate) acceptability of pleas.
- 4.24 The TU has a dedicated caseworker responsible for dealing with applications for confiscation orders under the Proceeds of Crime Act 2002 (POCA) and earlier legislation. A total of 14 confiscation orders have been made between April - September 2004. Although expertise on POCA is being developed well in the TU, there is only limited awareness in the CJUs, even though cases falling within the ambit of POCA may present themselves for pre-charge advice.

Disclosure of unused material (CAP7)

- 4.25 In the magistrates' courts, the Area's performance on primary disclosure was comparable to the national average, and the failings mirrored those elsewhere, in particular (and following the issue of new Joint Operational Instructions on disclosure): failure to challenge inadequate or skeletal descriptions on police schedules of unused material; and serving material on request by the defence without a defence statement and without considering whether it undermined the prosecution case. By contrast, secondary disclosure was correctly handled in the three cases where a defence statement was served.
- 4.26 There were also problems with the timeliness of both primary and secondary disclosure in the magistrates' courts. Primary disclosure was late in six out of 13 relevant cases (46.2%), and secondary disclosure late in all three relevant cases. This is a further aspect of the delays already referred to in relation to summary trial preparation.

- 4.27 Performance in the Crown Court was mixed, with primary disclosure considerably poorer than the national average. It was correctly handled in 16 out of 24 cases (66.6%) compared to a national average of 80.1%. On the other hand, secondary disclosure was handled correctly in 13 out of 15 cases (86.6%) compared to the national average of 59%. The weaknesses in relation to primary disclosure were the same as in the magistrates' courts. The explanation for secondary disclosure being better handled appears to be that, in the Trials Unit, lawyers frequently delay a full consideration of the unused material until the defence statement is served. However, this overlooks the importance of ensuring there is no undermining unused material at the primary disclosure stage which may then inform the review and preparation of the case.
- 4.28 The timeliness with which both primary and secondary disclosure were dealt with was good, with primary disclosure timely in 22 out of 24 cases (91.7%) and secondary in 13 out of 15 (86.7%).
- 4.29 We were concerned about one aspect of the approach to sensitive material. While those cases in which sensitive material was present were generally well handled, there were a number of cases, both in the magistrates' and the Crown Court, which did not contain any information from the police about sensitive material. The Joint Operational Instructions (JOPI) between the police and CPS make it clear that every full file must include an express reference to whether there is any sensitive unused material, either in an MG6D form or otherwise.

RECOMMENDATION

Unit Heads work with the police to:

- * **improve the handling of primary disclosure in both the magistrates' courts and the Crown Court by ensuring the disclosure schedules contain a full description of the unused material, or copies of the relevant items are submitted with the disclosure schedules; and**
- * **ensure each full file includes a copy of an MG6D or confirmation that there is no sensitive material.**

Sensitive cases (CAP8)

- 4.30 We examined eight child abuse cases in our file sample. They were generally well handled; third party disclosure was dealt with properly in all relevant cases in the Crown Court, but not in the only relevant magistrates' courts case. There was good awareness and use of Special Measures, although more use could have been made of witness phasing.

- 4.31 However, one case of indecent assault was not handled in accordance with CPS policy, in that the transfer provisions were not used, and as a consequence there was an avoidable delay in progressing the case. Further, in only two out of four relevant cases was the file endorsed with the reviewing lawyer's view of the child's evidence, and in the other two there was no record that issues of credibility had been fully addressed.
- 4.32 There were four racist incident cases in our file sample: three in the magistrates' courts and one in the Crown Court. CPS policy was applied appropriately in all save for one case in the magistrates' courts, where a plea to a non-racially aggravated Section 5 offence was wrongly accepted when there was clear evidence of hostility based on race.
- 4.33 We examined 12 domestic violence cases. CPS Surrey, in partnership with the police and as part of the Criminal Justice Board strategy, has adopted a pro-active approach to domestic violence cases. In particular, a policy is in place not to drop such cases automatically on receipt of a withdrawal statement from the victim without considering the full background to the relationship. We found a concern amongst community groups dealing directly with the victims of domestic violence that the policy was applied too inflexibly, and that the prosecution would proceed whether or not the victim wished to withdraw.
- 4.34 Six cases within the sample were discontinued after the victim had withdrawn. We were satisfied in five out of the six that the background to the case had been properly considered before the decision was taken. However, there was unnecessary delay in reaching a decision in several of those cases.
- 4.35 The remaining six cases proceeded to trial in the magistrates' courts. The standards of case preparation were the same as already set out above for the generality of cases. In one case the prosecution decided to proceed even though the victim had made a withdrawal statement. We were not satisfied that there had been consultation with the police and that a reasoned decision had been made to proceed. Area managers need to ensure that all withdrawal statements are fully considered in conjunction with the police.

Aspects for improvement

- * Handling of victim withdrawal statements in domestic violence cases.

Youth cases (CAP13)

- 4.36 We examined 12 youth cases in our file sample: nine handled by the CJUs and three by the TU. The Area does not have a dedicated youth team, although youth courts are generally covered by the same prosecutors (unless agents are being instructed). The standards and timeliness of decision-making and case preparation in those cases dealt with by the CJUs were the same as for the adult cases. Although we agreed with all the Code test decisions in the CJU sample, we disagreed with the decision in relation to the level of charge in two out of five relevant cases. We have already mentioned one at paragraph 4.32; the other was the reduction of an assault to rob to common assault.

- 4.37 The three cases dealt with by the TU were grave and serious crimes. The cases were well handled, which reflected the higher standards we found in the TU casework sample.

File/message handling (CAP9)

- 4.38 The co-located CPS/police unit in Staines was established in October 2003 (see further at paragraph 10.5). Although there was a period immediately after the unit was set up where office systems were inadequate and the quality of service at court was significantly affected, these problems have been overcome and the office systems are now very efficient. Compass tasks were being managed effectively at the time of the inspection and reports were being used to ensure cases were updated and finalised in a timely manner.
- 4.39 The position was different at both Guildford/Woking and Reigate CJUs. Each had large backlogs of live cases waiting to be updated on Compass and then have post-court work dealt with. This was caused by a combination of staffing problems and a management focus on dealing with a backlog of finalised cases that had developed over the previous 12 months. Although we found no backlogs of post awaiting allocation, the inefficiencies in file handling had a detrimental impact on prosecution readiness at court.
- 4.40 The TU is running efficiently both in terms of file handling and allocation of post.

Custody time limits (CAP10)

- 4.41 We examined 11 custody time limit (CTL) cases while on site, seven from the CJUs and four from the TU, including the magistrates' courts file where appropriate.
- 4.42 We found one file with an incorrect expiry date. The defendant was remanded in custody after being arrested on warrant and the expiry date was wrongly calculated from the date the defendant next appeared in court on the substantive charge, rather than the date he was originally remanded in custody.
- 4.43 Remand endorsements relating to CTLs were generally clear, although not every file was fully endorsed where a defendant was subject to more than one time limit. It is important that records are maintained for all CTLs on all files, not just those relating to main or substantive charges, in order to avoid any confusion.
- 4.44 Systems for the administration of CTLs were sound overall. They are supported by a Manual of Guidance and a desktop reminder, although we did feel this could be clearer on some of the more basic information, such as when CTLs should be calculated from and when they might apply to separate charges on the same file. The reference to time limits for youth defendants is over simplistic and the guide focuses on what needs to be done, rather than the systems for how this is to be achieved.
- 4.45 There are some differences between the CTL systems across the units. For example, in the Guildford/Woking and Reigate CJUs, once files are passed to a lawyer there is no check to ensure that the required action has been taken, whilst other units have such a check. Compass reports are used by Staines CJU and the TU, but problems with the backlog of updating in the other CJUs has rendered the Compass CTL reports unreliable. All the units use manual diaries to identify cases that are coming up to their expiry date and these were all well maintained.

- 4.46 As the Area progresses with co-location, it should take the opportunity to review CTL systems, identify good practice and establish a cohesive Area system that fully complies with the guidance issued by CPS Headquarters.

National Probation Service and Youth Offending Teams (CAP12)

- 4.47 Systems are in place for the delivery of pre-sentence information to the Probation Service and the Youth Offending Team prior to the completion of Pre-Sentence Reports. We examined the provision of pre-sentence information in the magistrates' courts and the Crown Court. We were only satisfied that the CPS had served pre-sentence information in nine out of 14 (64.3%) magistrates' courts and ten out of 20 (50%) Crown Court cases. Where there was evidence that a package had been served, it was usually timely.
- 4.48 Although the Youth Offending Team was satisfied with the service provided by the CPS, we found concerns within the Probation Service about the completeness and timeliness of compliance with the CPS/Probation Protocol. A joint review of compliance between the CPS and Probation Service would be appropriate.

Appeal and committal for sentence processes (CAP14)

- 4.49 Office systems for handling appeals and committals for sentence are efficient. However, the instructions on appeals against conviction are unsatisfactory because they do not routinely include a case report from the prosecutor or agent who dealt with the summary trial.

References to the Court of Appeal in relation to unduly lenient sentences (CAP15)

- 4.50 The Area is fully aware of its responsibilities in relation to unduly lenient sentences and has consistently referred potentially unduly lenient sentences to CPS Headquarters for consideration of a referral to the Attorney General. The Area is also aware of its duty to notify the victim or their family of the right to appeal direct to the Attorney General if a decision not to refer is taken by the CPS.

Recording of case outcomes (CAP16)

- 4.51 We were satisfied that systems were in place in both the Staines CJU and the TU to quality control the case outcomes entered onto Compass. In the Trials Unit the B1 administrator checks finalisation entries to ensure their accuracy. In Staines, finalisations are completed by the CPS caseworker, who can ensure the accuracy of finalisation codes and deal with any monitoring. However, there was no comparable quality assurance at the other two CJUs. Some form of quality assurance will be needed, particularly within the proposed co-located units at the Guildford and Reigate Police Stations if results are being entered by police staff unfamiliar with CPS processes.
- 4.52 At an Area level, the B1 Business Manager in the Secretariat transfers the case outcome information from Compass MIS into CIS (a CPS statistical database) and the B2 Business Manager is able to identify some anomalies at that stage. The Area should consider passing the Compass MIS printouts to unit B1 administrators so they can identify trends and anomalies for themselves and monitor case throughput.

- 4.53 The Quality Assurance check in the units will also need to ensure that specified proceedings are not inadvertently recorded as a CPS case. Although CPS Surrey has developed a Protocol with the magistrates' courts which is intended to ensure that the CPS does not handle such cases, we found a small number of specified proceedings awaiting finalisation on Compass in the Guildford/Woking CJU.
- 4.54 Both the Guildford/Woking and Reigate CJUs have developed significant backlogs of cases for finalisation over the last 12 months. The backlogs were being addressed at the time of the inspection, but the failure to record case outcomes in a timely way undermines the accuracy of those unit's performance indicators. A stocktake should be regularly maintained at both units from now on to ensure all cases have been finalised. The Staines CJU already does this as a matter of course.

Information on operational and legal issues (CAP17)

- 4.55 The Area uses a variety of means to communicate legal and operational issues - but reliance is placed in the main on written communication, either in the form of memos, e-mails or the regular newsletter *Shout*. There are no regular team meetings, except at the Staines CJU (see paragraph 8.19).

Readiness for court (CAP18)

- 4.56 Files are generally delivered to the magistrates' courts on time, although there are occasions when they are missing and take time to be located by the CPS. The provision of files to the Crown Court is well organised and timely.

Learning points (CAP21)

- 4.57 An adverse case report is prepared in all cases that result in a no case to answer finding in the magistrates' courts or an acquittal in the Crown Court. This category has recently been extended to include cases discontinued after pre-charge advice. Although the completion of the forms is very systematic, we found a minority of cases where the true reason for the outcome had not been fully identified in the report.
- 4.58 The Chief Crown Prosecutor has recently started to draw together the various lessons and learning points that can be derived from adverse cases and circulates these in a bulletin to staff entitled *When it all goes wrong*. We think this is a good way of bringing recurring issues to the attention of staff.
- 4.59 The Area has adopted the Casework Quality Assurance (CQA) scheme, which we deal with at paragraph 7.2.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We observed a total of seven CPS lawyers, one designated caseworker (DCW) and six agents at work in the magistrates' courts. All save two met CPS national standards and were fully competent or better; one CPS lawyer and one agent did not appear well prepared in court and their performance needed to be sharper.
- 5.2 Three counsel were observed in the Crown Court and all were fully competent.
- 5.3 Some advocacy monitoring of in-house prosecutors in the magistrates' courts - including individual feedback - was carried out by outside consultants in 2003, and the next programme is scheduled for 2005. The Area also receives regular informal feedback from legal advisors in the magistrates' courts. However, Unit Heads will want to ensure that they observe their own lawyers as part of the performance appraisal regime.
- 5.4 Agent usage in the magistrates' courts is very high following the implementation of shadow pre-charge advice. In the first quarter of 2003-04 agent coverage was 9.7%, but in the last quarter of 2003-04 it rose to 45.7% and in the first quarter of 2004-05 had reached 48.3%. Agents are now being used to cover adult remand courts as well as trials. Whilst we received no adverse feedback in relation to the performance of agents, and our own observations indicated they performed to the same standard as in-house prosecutors, we think that Area managers need to take positive steps to monitor agents to ensure that only those of the appropriate quality are being instructed.
- 5.5 New agents receive written instructions on CPS practice and procedure, but there is no induction scheme in place, although the Area has been able to take advantage of induction schemes run in other CPS Areas. Whilst it is sensible to "pool" resources on a regional basis, Surrey may wish to adopt and run an induction programme itself.
- 5.6 The Area has a very experienced body of caseworkers in the Crown Court and has well-established links to chambers. They generally provide one-to-one court coverage and are in a position to keep the performance of counsel under regular review.

Court endorsements (CAP20)

- 5.7 Court endorsements were easy to find and satisfactory in 19 out of 20 cases in the magistrates' courts. In the Crown Court, the comparable figure was 21 out of 26, because it was not always possible to ascertain the result of hearings, either from the outside of the files or the inside minute sheet.

Court preparation (QSD1)

- 5.8 The standard of preparation for the magistrates' courts is variable. Appropriate arrangements are in place to ensure that, as a rule, agents get their files the day before the hearing. CPS prosecutors are usually well prepared for their cases, and files are generally at court at the right time. However, the preparation and readiness for pre-trial reviews is a cause of concern to other court users, particularly at one court centre where it is not uncommon for court administrative staff to assist with copying of papers.

- 5.9 Preparation for cases in the Crown Court is fully satisfactory with instructions sent to counsel well in advance of the hearings. Although the final court list is generally only received at 4.30pm, systems are in place to ensure appropriate liaison with chambers and that the file is available in sufficient time for the hearing.

Attendance at court (QSD2)

- 5.10 Attendance by prosecutors in the magistrates' courts, whether in-house or agents, is generally timely and enables a discussion of relevant issues with the court and defence solicitors, who attend before the start of proceedings.
- 5.11 In the Crown Court there is generally one-to-one coverage by caseworkers, the majority of whom are very experienced and give good support to counsel. The Area does not have a duty lawyer presence, relying on the close proximity of the CPS office to the Crown Court if attendance is necessary.

Accommodation (QSD4)

- 5.12 The accommodation and facilities provided at the magistrates' courts are sufficient for CPS needs. However, the accommodation at the Crown Court is cramped and the Area is exploring options for increasing the size of it.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 The Area is aware of the importance of making applications for the use of Special Measures for those witnesses who are vulnerable or intimidated. Appropriate applications were made in three out of three relevant magistrates' courts cases in the file sample and six out of six Crown Court cases where the police had flagged the vulnerability of the witness. However, the use of stand-by or witness phasing is not as well established.
- 6.2 In the magistrates' courts the opportunity for phasing witness attendance or having them on stand-by is less because trials are, on the whole, shorter and have fewer witnesses. We found appropriate arrangements were made in one out of the two relevant cases in the magistrates' courts file sample.
- 6.3 There is greater opportunity to phase witness attendance in Crown Court cases, although the prosecution would need the agreement of the court before doing so. Nevertheless, appropriate arrangements were made in only five out of nine (55.6%) relevant cases in the file sample.
- 6.4 CPS lawyers and caseworkers comply with their responsibilities with regard to witness care once the witness is at court.

Direct Communication with Victims (CAP13)

- 6.5 The Area initially adopted the Victim Information Bureau model for Direct Communication with Victims (DCV). However, a re-prioritisation of resources led to the Bureau being dissolved in July 2004. Responsibility has devolved to the lawyer or B1 Administrative Manager, depending upon the unit. The devolution to the B1 Managers has not been supported with sufficient training and the current processes for dealing with DCV are inadequate.
- 6.6 Our file sample covered the period immediately before the Bureau was dissolved. We were only satisfied that an appropriate and timely letter was sent in five out of 15 relevant cases (33.3%). Often there was no record of any letter being sent at all, and the quality of those letters that were sent (we examined letters on-site as well) was variable, with a tendency to use standard wordings that were not always the most appropriate.

RECOMMENDATION

The Area ensures that all staff are fully trained on the current systems for Direct Communication with Victims and puts in place comprehensive monitoring systems to ensure compliance with the national standards.

Meetings with victims and relatives of victims (DCV5)

- 6.7 There are dedicated witness meeting rooms at the Guildford office, which are sympathetically furnished and used whenever appropriate.

Victims' Charter (CR2)

- 6.8 The CPS has the lead of the Victim and Witness Care Group under the Surrey Criminal Justice Board, and the CCP is the senior reporting officer for the No Witness No Justice project. At the time of the inspection, the CPS was playing a full part in the planning for a Witness Care Unit as part of the project. The CPS is likely, in due course, to have responsibility for the Unit's budget. We deal with the handling of victim and witness issues in Surrey in detail in the joint inspection report at Chapter 6.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area has set broad aims and objectives in its Business Plan, which inform the Forward Job Plans of its managers. The Area also has long-standing casework standards, such as a full file review taking place within five days of being allocated, advices booked onto the system within 24 hours, and witness warning notifications within two days of information arriving in CPS. They are incorporated, where appropriate, into the Forward Job Plans of staff.

Performance monitoring (PM2)

- 7.2 The Area needs to develop its performance management in relation to casework. Area casework monitoring centres on adverse case reports completed for all no case to answer outcomes and Crown Court acquittals, including judge ordered acquittals. The Unit Head and the CCP review these and we have already commented on them at paragraph 4.57. The national Casework Quality Assurance (CQA) scheme has been set up in all units, although the regularity with which samples are taken varies considerably between them. The return to CPS Headquarters for the period April - September 2004 was based on 19 TU cases and 72 CJU cases. This is broadly in line with other CPS Areas, but provides only limited assurance, although we were told that both the adverse case reports and the CQA analysis have been used to identify individual performance issues.
- 7.3 Although discontinuances of cases that have been subject to pre-charge advice are now being reviewed by the CCP, the Unit Heads do not systematically review and monitor all discontinuances. We think it would be beneficial to have more comprehensive monitoring of discontinuances, and link this to joint performance management (JPM) with the police. We discuss this further at paragraph 8.13 of the joint inspection report.
- 7.4 Neither the Senior Management Team (SMT) nor the Area Management Team (AMT) currently receives meaningful monthly management information. We think that data in which trends are clearly identified is necessary to allow those Teams to own and effectively manage the overall performance of the Area. Such management information needs to be in a short format, which is easy to absorb – often described as a “score card”.
- 7.5 A comprehensive performance pack has been produced by the Area Secretariat in the past. This provided a range of information related to finance, staffing, agent usage, case outcomes, briefs to counsel, papers served to defence solicitors, and sickness by unit. With the implementation of Compass, the performance pack fell largely into disuse; only one has been produced in the current financial year and it did not include any analysis, or indeed any narrative at all.
- 7.6 Some managers felt they could gain the necessary insight into unit performance either through Compass CMS/MIS or by physical observation of workflow. However not all managers, particularly at Level B, had sufficient expertise or time to extract relevant Compass information. It is also important that a management team such as the SMT or AMT has an overview of how all the units are performing – not least so that experiences of successes and failures can be fully shared.

RECOMMENDATION

The Area develops a monthly unit-based performance analysis which enables a ready appraisal of each unit's performance and its relative contribution to the Area.

Joint performance management (PM3)

- 7.7 The Surrey Criminal Justice Board has set up a structure of local performance groups (LPGs) based on the four petty sessional areas and police Basic Command Units (BCUs), which are co-terminous, save for a part of the Staines BCU which sends cases to Reigate rather than Staines Magistrates' Court. The aspects of performance monitored include joint management of ineffective trials and persistent young offenders. The LPGs are still developing as performance management groups, and there is still a tendency to focus on individual cases rather than analysis to draw out underlying reasons for performance, in order to deliver sustained improvement. We discuss the LPGs in more detail in the joint inspection report at paragraphs 4.15 - 4.19 and make a Recommendation about the scope of the joint monitoring at paragraph 8.27. There is also a long standing joint CPS/police/Crown Court group that is effective in analysing cracked and ineffective trials in the Crown Court.
- 7.8 Joint performance management of police file quality and timeliness is not an effective joint mechanism between the CPS and the police at present. Both have a strategy of full census monitoring for all file types, but not all police BCUs have consistently included TQ1 forms with file submissions, and CPS completion of the necessary TQ1 evaluation form has been historically low (often 60% or less of those TQ1 forms received). Although the data is analysed by the police to Basic Command Unit level, there are no joint meetings between the police and CPS to jointly examine how to improve file quality and timeliness. We discuss the issues in more depth in the joint inspection report at paragraphs 8.1 - 8.7 and make a Recommendation at paragraph 8.7 that the police and CPS develop a more effective joint mechanism for raising file quality and timeliness.

Risk management (PM4)

- 7.9 The Area Business Manager and one of the Unit Heads are fully trained in risk management and the Area has used the AMT to appraise risks. There is a Risk Register for the Business Plan, which identifies ten risks and for, the most part, these correctly describe critical risks and counter-measures.
- 7.10 Not all of the identified risks were correctly classified. The Register notes a capacity and capability issue to deliver shadow charging, which was classified as an "amber" risk. In the event, the Area was obliged to proceed with insufficient funding cover and the risk should have been "red". The Area is now projecting a significant overspend for the current financial year as a result of the shadow pre-charge advice scheme.

Continuous improvement (PM5)

- 7.11 The Area is committed to providing casework to a professional standard. It has been ready to embrace change, such as pre-charge advice and co-location, once the essential planning had been completed. The CCP has taken a lead role, as Chair of the Surrey Criminal Justice Board, in developing joint working in order to improve the performance of the criminal justice agencies as a whole in Surrey.

Accounting for performance (PM6)

- 7.12 The Area is able to account for its casework performance at the level of individual case outcomes. However, it needs to develop its analysis of unit performance, particularly taking into account the resourcing of each unit. This will enable it to fully account for the performance of each individual unit and the Area as a whole.
- 7.13 Unit Heads in the CJU need to do more to identify the reasons for late discontinuances on evidential grounds (not witness non-attendance or withdrawal) resulting in cracked trials in the magistrates' courts. These cases account for a small but significant proportion of cracked trials – 11.6% in the first quarter of 2004-05.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The staffing needs and profiles of the Area and the individual units are reviewed as part of the business planning cycle. There is on-going review at the SMT and AMT during the year and staff have re-deployed between units to meet business needs.
- 8.2 The Area works well with the Service Centre on recruitment matters. Several legal and administrative staff recruitments have taken place over the last two years, while recent administrative staff recruitment to the Guildford office has been on a casual basis, taking into account the planned co-location of the two CJUs at police stations.
- 8.3 The shadow pre-charge advice scheme has led to a large increase in the proportion of magistrates' courts covered by agents rather than in-house advocates, which has resulted in an overspend in this financial year (see paragraph 9.6). As a consequence, the Area is unable to increase its current staffing levels to meet the demands of the shadow pre-charge advice scheme. Indeed, CPS Surrey had overspent against its activity based costing allocation in 2002-03 and 2003-04 before the full impact of the shadow pre-charge advice scheme was felt. As an over-spending Area it may have to adjust staffing levels unless, of course, caseload significantly increases or the funding formula is changed.
- 8.4 Staff turnover varies between 12% - 22% a year and the Area records reasons for staff leaving. However, the information is analysed at present by gender and ethnicity, and without a further analysis against professional and administrative staff, trends are not readily discernable. If the Area is able to identify trends in relation to different grades of staff it will then be in a position to identify potential solutions.

Staff structure (P2)

- 8.5 The Area is configured between three CJUs and one TU. There is a policy for rotating lawyers between the CJUs and the TU, but this has not been implemented as yet. Although the absence of rotation facilitates the running of the TU, at least in the short term, it carries a real risk that lawyers in the CJU lose touch with the preparation and conduct of Crown Court casework, and the lawyer resource as a whole becomes less flexible. Indeed, any cases received under the pre-charge advice scheme that are likely to be dealt with in the Crown Court are referred to the TU for advice. Furthermore, TU lawyers only attend the magistrates' courts on an exception basis for cases such as contested committals. They do not regularly cover magistrates' courts advocacy and so risk becoming de-skilled in that aspect of work.
- 8.6 The Area has two designated caseworkers (DCWs), one of whom is part-time. They split their time respectively between two court centres, and are appropriately deployed in that role.
- 8.7 The Area has six Higher Court Advocates (HCAs) and reached 101 HCA sessions in 2003-04. Current deployment plans are limited to preliminary and plea and directions hearings as the Area prioritises the pre-charge advice scheme. Nonetheless, the Area has been able to cover 51 HCA sessions from April – September 2004.

- 8.8 CPS Surrey has a unit that covers both Office Services and Secretariat functions, with a total of 11.2 staff. The Secretariat element comprises the Chief Crown Prosecutor, Area Business Manager and three others, and covers duties such as human resources and financial and performance management. The Office Services section, at the time of the inspection, comprised 6.6 staff providing typing, reception and reprographic services. The Area is already reviewing the size and structure of the Office Services/ Secretariat function as a consequence of staff leaving and the co-location of the Guildford/Woking CJU.

Aspects for improvement

- * Implementation of the rotation policy for lawyers between the CJU and TU.

Staff development (P3)

- 8.9 Staff perceptions of induction and training are good. In the 2004 Staff Survey, over 75% of staff considered these arrangements to be effective in assisting them to undertake their work, which compares very favourably to the national average of 45%.
- 8.10 All new administrative staff have a general induction and complete a training needs analysis before joining their units. Similarly, there are sound arrangements for inducting new lawyers through a skills assessment, work shadowing, supervised case preparation and presentation, and the setting out of Forward Job Plans and planning for developmental needs.
- 8.11 Training needs are also identified through staff appraisals and these are fed into the Area Training Plan. The Plan covers a range of specialist training such as disclosure, sexual offences and Special Measures, as well as developmental courses like assertiveness, effective communications and time management. All TU lawyers have received full Proceeds of Crime Act 2002 training, but those in the CJU have only been given briefing sheets. Area staff have received approximately two days training per person during the year.
- 8.12 The Guildford/Woking CJU had a large proportion of casual administrative staff at the time of the inspection. They were recruited pending the co-location of the unit, and only had on-the-job training. This has limited their effectiveness and contributed to a large backlog of administrative tasks that had a significant adverse effect on the efficiency of the whole unit. Inspectors also noted that not all managers had received sufficient training in systems for Direct Communication with Victims and the use of Compass CMS as a management tool.

Strengths

- * Sound induction arrangements for new administrative and legal staff.

Performance review (P4)

- 8.13 Performance Appraisal Reports (PARs) are completed on staff annually and the Secretariat screens them prior to dispatch to the Service Centre. Any specific deficiencies are referred back to the line manager for action. One issue of concern raised in the Staff Survey is a staff perception that managers do not give full recognition or performance feedback. The Secretariat will want to ensure that these Reports are balanced, and that mid-year reviews are taking place.
- 8.14 There is no standard setting or benchmarking amongst Area managers to support the performance markings. Although all line managers were considered fully trained in appraising staff, we consider that there should be a benchmarking exercise within the Area to ensure consistency in performance marking between units.
- 8.15 The timeliness of PARs is poor with only 68% returned by the due date (the end of May 2004). The remaining 32% were still outstanding at the time of the inspection in September 2004.

Aspects for improvement

- * Improve PAR timeliness.

Management involvement (P5)

- 8.16 The 2004 Staff Survey indicated that staff generally did not feel confident in raising issues of concern with management, or believe that they would be dealt with effectively. However, inspectors noted that, in those instances that came to their attention, managers handled the issues properly and the affected staff were satisfied with the outcome. Both the CCP and ABM are seen as approachable by staff and operate an open door policy.
- 8.17 The Area has a good newsletter that is interesting and informative. The CCP provides a resume of topical issues and there are reviews of adverse cases with commentary on learning points. Other articles relevant to Area initiatives are sourced from the national press.
- 8.18 The Area abandoned its Sounding Board because it was not considered to be effective. There are constructive Whitley Council meetings (involving management and the Trade Unions) that are convened as and when required.
- 8.19 There are no structured, regular unit meetings, except at the Staines CJU. There was a Recommendation in the last Inspectorate report to the effect that a team meeting structure should be put in place. This has not been addressed, even though over 50% of staff supported such a change in the recent Survey. As a consequence, communication between staff and management is not as full as it could be. The pressures on the Area (budgetary and performance) are such that good communication and understanding between managers and staff, and indeed lawyers and administrative staff, are very important. Unit meetings are the opportunity to create this understanding. Not all managers in the Area appeared to share this view.

RECOMMENDATION

The Area put in place structured, regular inter-disciplinary team meetings for all units.

Good employment practice (P6)

- 8.20 Family-friendly policies are well established with a range of working patterns supported, including full time, part-time, term-time and flexi-time. This makes the Area an attractive work proposition for staff.
- 8.21 Line managers are aware of the sickness procedures and, once alerted by the Service Centre, review the situation and take any necessary actions. The Area maintains comprehensive unit-based sickness records and these show that Surrey has achieved a comparatively low sickness rate in the past, with average sickness over the last three years being 2.9, 5.2 and 6.2 lost days per person per year. During the last year there have been two instances of long-term sickness that have affected the figures; one of those two has now taken medical retirement.

Equality and diversity (P7)

- 8.22 The Equality and Diversity return for 2004-05 showed that the Area's staff composition was 64% female against a working population of 48%. The Area employs 8.6% staff from the black minority ethnic (BME) population, in both professional and administrative roles, against a working population of 5.6%. Disabled staff comprise 5.7% against working a population of 15%. The Area has set appropriate targets for future years.
- 8.23 There is a strong commitment to equality and diversity, particularly in providing appropriate facilities for the disabled, for example with IT. The Area is working to improve the unsatisfactory disabled access to its Saxon House office, and has succeeded in securing disabled access at several police stations that are visited by disabled staff.

Health and safety (P8)

- 8.24 There are trained staff at each location and regular health and safety checks are carried out using a comprehensive checklist, which is annotated where matters need attention. The use of health and safety policies figured prominently when planning co-location of CPS staff at police stations.
- 8.25 However, inspectors noted in the Guildford/Woking CJU, and to a lesser extent in the Reigate CJU, that extensive backlogs were occurring in finalisations and court hearing updating. As a consequence files were stacked on the floor creating a real health and safety hazard.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 The Area has staff experienced in financial management at senior level and in the Area Secretariat. The budget is formulated at the beginning of the business cycle by the Secretariat under the direction of the ABM and in consultation with the CCP. The budget allocation is based on the previous year's out-turn and the provision for the coming year.
- 9.2 The Secretariat produces a monthly financial report which gives a summary of spend, profiled against forecast monthly and cumulative spend.

Adherence to financial guidelines (MFR2)

- 9.3 Written financial delegations are provided for responsible Administrative Managers and Unit Heads.
- 9.4 The spend on counsel in the magistrates' courts under code 3010 was £51,000 for 2003-04. This is relatively high for an Area of this size, but there is an Area policy that sets out the appropriate criteria and Unit Heads are diligent in complying with it.

Budgetary controls (MFR3)

- 9.5 The Area operates accurate systems to predict and account for salary expenditure, which accommodate staff movement, the impact of pay rises and staffing implications arising from CPS initiatives.
- 9.6 CPS Surrey was overspending at the time of the inspection - it had a projected overspend of between £250,000-300,000 at year-end: approximately 9.6% of its budget. Originally the Area had planned to implement pre-charge advice at one location, but were advised by CPS Headquarters that county-wide coverage was required. As this necessitates the services of four lawyers a day, the overspend implications through agent coverage in the magistrates' courts were quickly realised, and the Area was pro-active in alerting CPS Headquarters and in seeking a solution through group learning. In addition, one TU lawyer is assigned on a daily basis to deal with pre-charge advice at the TU on those cases likely to proceed to the Crown Court.
- 9.7 The Area has been overspending on the Forensic Science Service. The ABM has investigated this and identified some £27,000 that had been incorrectly authorised for payment by the CPS after the supplier had mis-directed the invoices to the CPS instead of the police. The Area was evaluating the most appropriate means of financial recovery at the time of the inspection, and we understand that the sum has now been recovered.

Management of prosecution costs (MFR4)

- 9.8 The Area pays its counsel's fees in a timely way. There had been some problems in the past and, accordingly, the Area has streamlined its procedures to ensure that caseworkers at court keep the fees log up-to-date. This has been successful and when minor backlogs now occur they are mainly due to late payment requests from counsel's chambers.

Value for money approach (MFR5)

- 9.9 Since the last inspection the Area's caseload has reduced by 16%, even though there has been a significant increase in the volume of advice cases as a result of the shadow pre-charge advice scheme. This contrasts nationally with a 24% increase in caseload. The trend in caseload over the twelve months prior to this inspection was upwards – with an increase of 12%. However, this is less than the increase nationally over the same period of 17%.
- 9.10 The Area has seen a small increase in staff resources since the last inspection (see Annex 4). Lawyer numbers have increased by 5.4% and administrative staff by 3%. This has led to an overall reduction in the ratio of cases per lawyer and caseworker, although in relation to summary trial and committals or sent cases, the number of cases per lawyer has increased.
- 9.11 The improved staffing levels have not been matched by better casework outcomes for the Area as a whole. Unsuccessful outcomes in the year to September 2004 in the magistrates' courts are 22% (national average 20.4%) and in the Crown Court 25.6% (national average 24.9%). Performance at the Staines CJU has significantly improved since co-location in October 2003, with unsuccessful case outcomes reducing from 27.4% to 23.8%. Although the co-location at Staines CJU has been very successful, it is also relevant to note that the ratio of cases per lawyer is very much lower than the other two CJUs. The Area has recognised this and shortly after the inspection moved one lawyer post from the Staines CJU to the Guildford/Woking CJU.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 Partnerships with other criminal justice agencies are centred on the Surrey Criminal Justice Board (SCJB). The Area has developed strong and constructive partnerships with the local criminal justice agencies, including Victim Support and the Witness Service. The SCJB is Chaired by the CCP and the CPS plays a leading role both in the Board and the working groups that support it. The joint inspection report examines the operation of the SCJB and the extent to which it is successful in addressing the key Public Sector Agreement targets of bringing offences to justice (and reducing ineffective trials) and raising public confidence.
- 10.2 The Area has established a good working relationship with the magistrates' courts. A Protocol has been agreed and implemented on the handling of specified proceedings involving minor road traffic cases. The Area is also consulted by the magistrates' courts about court scheduling, which is particularly important given the resource constraints faced by the Area.
- 10.3 The Area is undertaking two major initiatives with the police – shadow pre-charge advice and co-location.
- 10.4 The shadow pre-charge advice scheme started in October 2003 at Staines Police Station and was extended to the other three charging centres in January 2004. The implementation of the scheme has been supported by a joint CPS/police working group that has dealt constructively with the inevitable problems arising from a radical change such as this. The managers of the process have not had the benefit of a comprehensive set of data, although work is in hand in relation to this. We discuss the scheme in more detail at paragraphs 7.1 - 7.9 of the joint inspection report.
- 10.5 Co-location of both the CJUs and the TU has been the subject of lengthy discussions between the CPS and police, particularly over the number of co-located units. Agreement was finally reached in 2003, and the Staines CJU co-located at Staines Police Station that October. Its creation involved a major change in the way both agencies work, with police administrative staff taking on many of the roles traditionally undertaken by the CPS. Administrators are aligned to lawyers and they progress cases together from beginning to end. Although there had been real difficulties with making the systems effective at the start, both CPS and police managers persevered, and the systems are now very efficient. It has increased case ownership and job satisfaction and has given the magistrates' courts Case Progression Officer a point of contact for checking trial readiness.
- 10.6 There has been a significant improvement in case outcomes from the Staines CJU (see paragraph 9.11), although it is difficult to say whether this is due to co-location, shadow pre-charge advice (which rolled-out at the same time), a relatively low case-to-lawyer ratio, or a combination of all these factors. At the time of the inspection, co-location of the Guildford/Woking CJU was due in November 2004 at Guildford Police Station and the Reigate CJU at Reigate Police Station in April 2005 (subject to building works).

- 10.7 There was evidence that a number of the lessons learnt from the Staines roll-out in relation to training and agreeing operational systems with the police had been acted upon. However, there was a large backlog of live cases waiting to be updated on Compass in the Guildford/Woking CJU and if this is not addressed before co-location it will make the task of the police administrative staff in the co-located unit very difficult.
- 10.8 The Trials Unit co-located with police staff in April 2004. Although CPS and police staff remain separate, and each agency maintains its own files, clear benefits had been identified. For example, police received quicker responses in relation to witness queries and caseworkers and lawyers found it easier to obtain further information and evidence, some of which could now be provided immediately as the police file was kept on-site.
- 10.9 The TU was running effectively. It was clear a lot of time and effort had gone into planning the unit and managers from both agencies were still working together to create further efficiencies. CPS managers might consider reviewing staff roles and responsibilities, across the agencies, to promote more effective monitoring and case progression. For example, the process of committal preparation currently falls to all three CPS managers who maintain a diary, spreadsheet and a separate list for the typists so they can plan their work. A copy of this list is given to police staff so they can chase late committal papers. This system could be formalised by combining the information in an electronic spreadsheet that could be accessed by all staff and would allow the progress of the preparation of committals to be more easily tracked. Compass reports can also be used to monitor cases more easily and effectively.

Information technology (P&R2)

- 10.10 The Area was a pilot site for the implementation of Compass and had to cope with several system upgrades and training that was considered insufficiently tailored to local needs. Process mapping was completed, but was not integrated into the Area's work, so the use of the Compass processes is not obligatory across the full range of casework.
- 10.11 Administrators use Compass where they can, but are compromised by other issues like backlogs in updating, which create tasks that cannot be completed. However, there is a marked difference in Staines where the absence of backlog enables administrative staff to keep on top of the workflow.
- 10.12 Lawyers in the CJU use Compass for the shadow pre-charge advice scheme, but are not all active users across the full range of casework, with some sending material to the typing pool for entry on to Compass. Similarly, in the TU only a few caseworkers and lawyers were using Compass to prepare committals. As a consequence, committals were often passed to typists for completion on Compass, although caseworkers prepare all indictments on Compass. The introduction of a recent upgrade to Compass, which facilitates the production of committals, will create an opportunity for all caseworkers to complete the indictments and the committal packages themselves.

- 10.13 The Area has established a target of 50% for the use of secure e-mail in relation to communications to and from other criminal justice agencies with whom there is a secure link, such as the magistrates' courts and the police. This is met in the TU where the electronic TU in-box is opened four times a day and e-mails forwarded electronically to the relevant person. However, in the CJUs, e-mails are printed off and attached to files as for any other post, which significantly reduces the use of secure e-mail as a method of reply.

Aspects for improvement

- * The Area fully integrates use of Compass into all its business processes.

Buildings, equipment and security (P&R3)

- 10.14 The Area's buildings are secure, with entry by swipe card or via receptionist invitation for visitors. Internal secure zones are operated with access being given by appropriate magnetic cards.
- 10.15 The Area has adapted its premises and equipment for use by disabled staff. Although there is an issue regarding disabled access to the reception area in Saxon House, this is being pursued with the landlord.
- 10.16 Apart from the CJUs at Guildford where there were backlogs of files, the accommodation is tidy and the public meeting rooms are welcoming.

Partnership with Headquarters and the Service Centre (P&R4)

- 10.17 The Area has a good relationship with the South-Eastern Service Centre. A Service Level Agreement is in place and the Service Centre Manager is a member of the AMT.
- 10.18 The Area has a collaborative approach to CPS Headquarters and has been active in being a pilot site for a number of initiatives including Compass.
- 10.19 The CCP and ABM both undertake work on behalf of CPS Headquarters – the CCP acts as an investigator for disciplinary matters and sits on appeals, and the ABM attends the national Remuneration Committee.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The Area is a full participant in the SCJB and the working group structure. All the criminal justice agencies, including Victim Support and the Witness Service, take part and the Area is responsive to the needs and expectations of those partner agencies.
- 11.2 The Area also has links with wider community groups such as the NSPCC, Woking Community Relations Forum and Surrey Woman's Aid. However, it needs to ensure that it makes full use of these contacts when developing Area policies. One policy that would have benefited from wider consultation before implementation within the Area was the CPS national policy on domestic violence. It is a pro-active policy in relation to cases where the victim wishes to withdraw (see paragraph 4.33), but the Area did not consult with those community groups that deal directly with victims of domestic violence about the implications of the policy for those victims. We deal with this further at paragraph 5.20 of the joint inspection report.

Performance measurement (P&S2)

- 11.3 As already mentioned at paragraph 7.4, we think the Area needs to review its management information needs and produce shorter performance reports focusing on key data, rather than the extensive management information packs that had been produced in the past. This is particularly important given the change the Area is undergoing with co-location and shadow pre-charge advice. In particular, Surrey also needs to develop a suite of performance data to evaluate the success of the shadow pre-charge advice scheme.

Review (P&S3)

- 11.4 When the Area drafted its Business Plan it took into account the SCJB Delivery and Confidence Plans to ensure compatibility and avoid conflicting objectives. However, the Area Business Plan is not systematically reviewed and we have suggested a mechanism for doing this at paragraph 13.8.

Framework of key processes (P&S4)

- 11.5 The Area is able to utilise the SCJB to develop policies and strategies that affect other criminal justice partners. We comment further in the joint inspection report at paragraph 5.21 on how the consultation process in relation to developing policies can be strengthened to include representative groups from the wider community, such as those forming part of the Surrey Compact.
- 11.6 The Area needs to do more to engage its own staff in the development of Business Plans, and policies and strategies. For example, the Area Business Plan is developed with the AMT and then circulated to staff, which does not help to engage them in the key business planning process. We have already commented upon the lack of team meetings at paragraph 8.19; these are the fora at which staff, both legal and administrative, can be engaged.

Communication and implementation (P&S5)

- 11.7 Internal communication in most units relies on the newsletter *Shout* and memos. For example, there is no oral feed back from the SMT/AMT to most units. The reliance on written means of communication means that key messages are not always received and understood by staff. As a consequence new policies, such as making applications to proceed in a defendant's absence, are not always implemented as consistently or expeditiously as they should be.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 The timeliness of replies to complaints from the public was weak in 2003-04 at 73.5% (national average is 84.5%), although timeliness had improved to 82.4% in the first quarter of 2004-05. The Area will want to ensure that the improvement is maintained. All Parliamentary enquiries were handled in a timely way.
- 12.2 A complaints log is kept and was in the process of being revised at the time of the inspection. We examined the responses to five complaints in detail - a full response was given in each case in relation to the CPS involvement in the case, and the letters were clear, concise and understandable, although there was some scope for greater use of "plain English".

Minority ethnic communities (CR5)

- 12.3 We deal with the handling of racially aggravated offences at paragraph 4.32. Although there were only four such cases in our file sample, it was a concern that the racially aggravated element of the offence in one case had been withdrawn even though there was clear evidence supporting the allegation of racial aggravation. The Area should record all racially aggravated cases and maintain a register of them. We were satisfied that this was being done in the TU and the CJU at Staines, but not at the two CJUs based in Guildford.
- 12.4 There is no Race Equality Council in Surrey, but the Area has established links with the Woking Community Relations Forum. The Forum is a member of two of the SCJB working groups that CPS also attends.
- 12.5 The CPS Chairs the Case Tracking and Monitoring Project Group which is taking part in a national project led by the National Association for the Care and Re-settlement of Offenders (NACRO) to track the handling of minority ethnic defendants. This should provide very useful data to inform the Area's relationship with its minority ethnic communities.

Aspects for improvement

- * Effective monitoring of all racially aggravated offences by the Area.

Safeguarding children (CR7)

- 12.6 We found child abuse cases were generally well handled (see paragraph 4.30). The Area has a good awareness of the issues around handling of child witnesses. There is good liaison with the NSPCC through the SCJB working groups and a link has been established with the Area Child Protection Committee.

Community engagement (CR6 and SR1)

- 12.7 The Area has established useful links with some community groups, such as the Woking Community Relations Forum and the Staines Domestic Violence Forum, although the time available to Area staff for community engagement is limited by the current resource pressures arising from the shadow pre-charge advice scheme. The Area is also active in school visits and mentoring students from the College of Law in Guildford.
- 12.8 The SCJB has a Community Engagement Working Group. The CPS has a lead role, and the Group includes representatives of Woking Community Relations Council and NACRO, as well as community safety officers. However, the work of the Group is still at an early stage and little progress has been made against its Action Plan. We discuss the work of the Group further at paragraphs 5.18 - 5.22 of the joint inspection report.

Media engagement (SR2)

- 12.9 The Area does not have a Communications Officer. Nevertheless the CCP is alert to media opportunities, and takes them up whenever possible.

Public confidence (SR3)

- 12.10 Public confidence in the effectiveness of the local justice system in bringing offenders to justice in Surrey is recorded at 45% in a recent British Crime Survey, against a national average of 41%. We deal with the response of the SCJB to the key Public Service Agreement target of increasing public confidence in the criminal justice system at paragraphs 5.10 - 5.30 of the joint inspection report.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 The Area Communications Strategy provides some insight into the values to which it aspires: inclusiveness; transparency; staff involvement; and to purposefully create an able and enthusiastic team. These are worthy aspirations. Area managers have worked to make them a reality, although staff saw some managers as more successful at this than others.
- 13.2 Overall staff morale is good, as exemplified by an impressive Staff Survey. However, we think the Area needs to do more to ensure that all staff are fully engaged in the running of the Area (see paragraph 8.19).

Staff recognition (L&G2)

- 13.3 The Area recognise the efforts of staff in a variety of ways, for example, through the newsletter *Shout*. The CCP also gives recognition to staff where meritorious effort advances the aims of the Area.
- 13.4 However, we found a feeling amongst CJU staff that they were “second class citizens” when compared to the TU. It is important that the Area deals with this; we have already indicated one way of doing so at paragraphs 8.5 and 8.8.

Management structure (L&G3)

- 13.5 Governance is exercised through a Senior Management Team (SMT) and the Area Management Team (AMT). The SMT is comprised of the CCP, ABM and Unit Heads. The AMT comprises all the SMT members, together with the TU Casework Manager, TU Administrative and Performance Manager, Office Services Manager, Regional Service Centre Manager and a rotating CJU Administrative and Performance Manager. CJU representation has been reduced to keep the meeting to a manageable size.
- 13.6 The SMT deals with the key strategic and resource issues for the Area and meets for one hour before the AMT. At the start of the AMT a synopsis is given of decisions made by the SMT and some issues discussed at the SMT are also discussed with the AMT. Although minutes are kept for the AMT, there are none for the SMT, which is unsatisfactory in view of its key role.
- 13.7 The AMT is a forum where managers are able to raise and discuss issues of concern. However, we think that there needs to be greater clarity about the different roles of the two meetings. One possibility would be to use the AMT as a business improvement group, meeting quarterly. This group could also review progress against the Area Business Plan. We made a Recommendation in the previous inspection report that the SMT and AMT review their respective roles. More work needs to be done by the Area before this issue has been fully addressed. If the SMT is the strategic decision-making group for the Area, this needs to be embodied in clear Terms of Reference.

- 13.8 We also think that the composition of the AMT needs to be reviewed to ensure that there is greater opportunity for involvement by CJU Administrative and Performance Managers. The current system of rotation is not fully supported by effective liaison between the CJU Administrative and Performance Managers.

Aspects for improvement

- * SMT meetings to be minuted.

RECOMMENDATION

The Senior Management Team and Area Management Team review the role of each forum, its structure and composition, and agree:

- * **the composition, purpose and relationship of the forum; and**
- * **clear Terms of Reference for each group.**

Organisational structure (L&G4)

- 13.9 The Area has developed an organisational structure of TU and CJUs which has allowed a greater focus on Crown Court casework and at the same time facilitated the development of co-location at three of the four police charging centres.
- 13.10 We have already commented on the successful development of the Staines co-located CJU. At the time of the inspection the co-located CJUs at Guildford and Reigate Police Stations were due to be rolled-out in November 2004 and April 2005 respectively.
- 13.11 At the time of the inspection the Area was considering the creation of a magistrates' courts contested cases unit, which indicates Surrey's willingness to review its structure in light of business needs and available resources.

Action plans (L&G5)

- 13.12 The Area has a Business Plan in the standard CPS format, addressing priorities, milestones, outcomes and accountabilities, with appropriate links made to the Public Service Agreement objectives. The Plan was substantially developed by the AMT, however, it should be supported by effective Action Plans at unit level.
- 13.13 Action planning for joint projects such as No Witness No Justice and co-location is satisfactory.

Aspects for improvement

- * Unit Actions Plans to support the Area Business Plan.

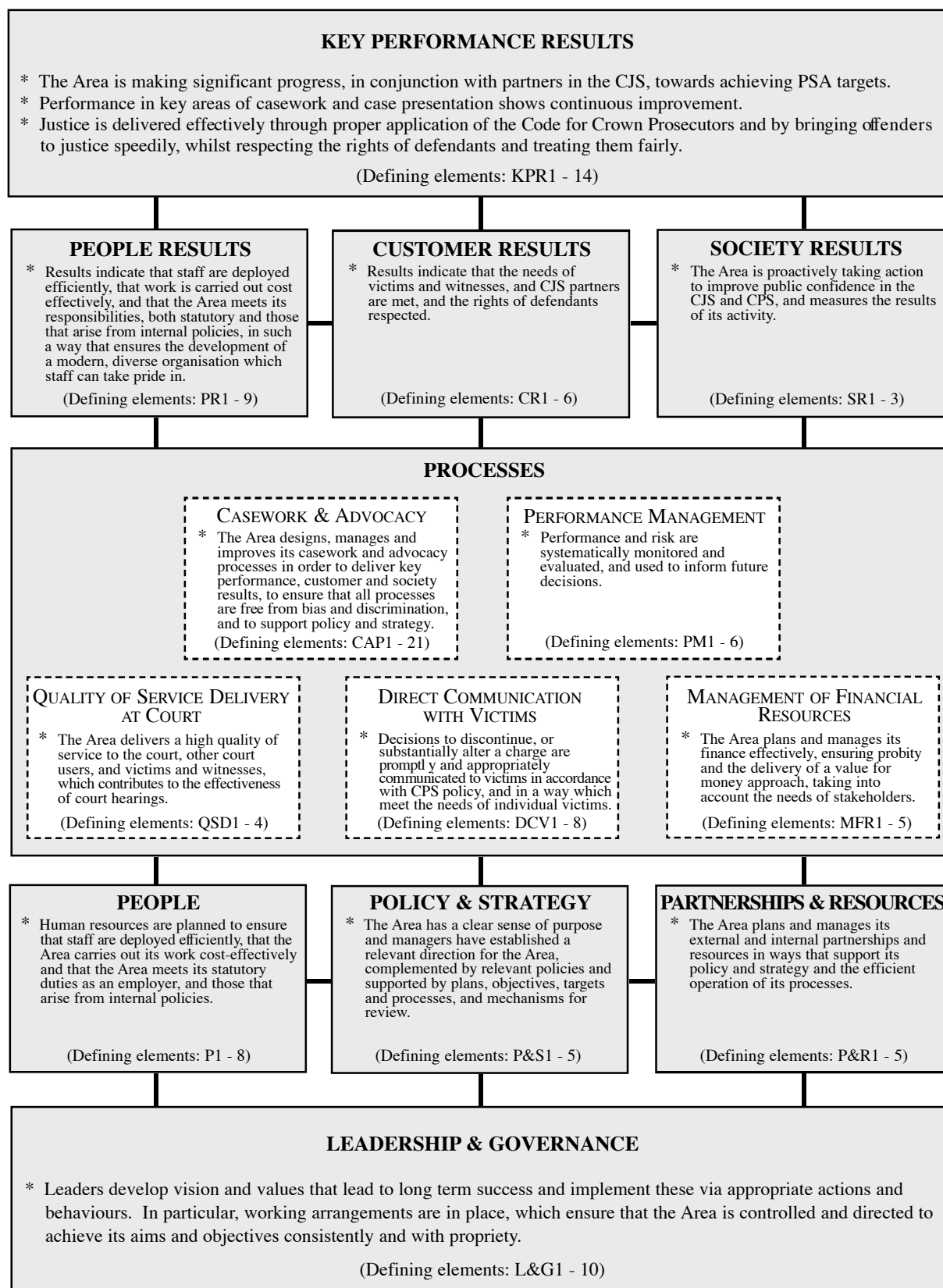
Criminal justice system co-operation (L&G6)

- 13.14 The Area makes a very full contribution to the local criminal justice system, primarily through the SCJB. The relationships between the CPS and all its criminal justice partners are strong and constructive.

Strengths

- * The full contribution of the Area, particularly the CCP, to the Surrey Criminal Justice Board.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



KEY REQUIREMENTS AND INSPECTION STANDARDS

CASEWORK (Chapter 4)

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

Advice to police (CAP1)

Standard: early consultation, and charging advice are dealt with appropriately in a timely way, and in accordance with Code tests, CPS policy and local protocols, and advice is free from bias and discrimination.

Cases ready to proceed at first date of hearing (CAP2)

Standard: joint CPS/police processes ensure cases ready to proceed at first date of hearing and that casework decisions are free from bias and discrimination.

Bail/custody applications (CAP3)

Standard: joint CPS/police processes ensure appropriately informed bail/custody applications are made and decisions are free from bias and discrimination.

Discontinuances in magistrates' courts (CAP4)

Standard: discontinuances in magistrates' courts or Crown Court are based on all available material and are timely.

Summary trial preparation (CAP5)

Standard: summary trial processes ensure that the pre-trial review (if there is one) and trial dates are effective hearings.

Committal and Crown Court case preparation (CAP6)

Standard: Area processes for cases "sent" or committed for trial to the Crown Court ensure that:

- a) service of the prosecution case on the defence takes place within agreed time periods before committal/plea and directions hearing (PDH);
- b) prosecution has taken all necessary steps to make the PDH and trial date effective; and
- c) prosecutor is fully instructed.

Disclosure of unused material (CAP7)

Standard: disclosure is full and timely and complies with CPIA and CPS policy and operational instructions in both the magistrates' courts and Crown Court.

Sensitive cases (CAP8)

Standard: sensitive cases (race crime, domestic violence, child abuse/child witness, rape, fatal road traffic offences, homophobic attacks) are dealt with in a timely way in accordance with CPS policy and in a manner which is free from bias and discrimination.

File/message handling (CAP9)

Standard: file/message handling procedures support timely casework decisions and actions in both the magistrates' courts and Crown Court.

Custody time limits (CAP10)

Standard: systems are in place to ensure compliance with statutory and custody time limits in both the magistrates' court and Crown Court.

Joint action to improve casework (CAP11)

Standard: Area has effective processes and partnerships with other agencies to improve timeliness and quality of casework review and preparation for both the magistrates' court and Crown Court and that partnership decisions reflect the general duty under the Race Equality Scheme.

National Probation Service and Youth Offending Teams (CAP12)

Standard: the provision of information to the Probation Service is timely and enables the production of accurate reports free from discrimination and bias.

Youth cases (CAP13)

Standard: youth cases are dealt with in a timely way (in particular persistent young offenders) and in accordance with CPS policy and in a manner which is free from bias and discrimination.

Appeal and committal for sentence processes (CAP14)

Standard: appeal and committal for sentence processes ensure appeal/sentence hearings are fully prepared and presented.

Appeals against unduly lenient sentences (CAP15)

Standard: submissions to the Attorney General of potential references to the Court of Appeal against unduly lenient sentences are made in accordance with CPS policy and current sentencing guidelines, and are free from bias and discrimination.

Recording of case outcomes (CAP16)

Standard: recording of case outcomes and archiving systems are efficient and accurate.

Information on operational and legal issues (CAP17)

Standard: information on operational and legal issues is efficiently and effectively disseminated.

Readiness for court (CAP18)

Standard: joint CPS, police and court systems ensure files are delivered to the correct court in a timely manner and are ready to proceed.

Learning points (CAP21)

Standard: learning points from casework are identified and improvements implemented.

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

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

Advocacy standards and monitoring (CAP19)

Standard: selection and monitoring of advocates in the magistrates' courts and Crown Court ensures cases are presented to a high standard and in a manner which is free from bias and discrimination, and that selection of advocates complies with CPS general duty under the Race Relations (Amendment) Act 2000.

Court endorsements (CAP20)

Standard: court endorsements are accurate and thorough and timely actions are taken as a result.

Court preparation (QSD1)

Standard: preparation for court is efficient and enables business to proceed and progress.

Attendance at court (QSD2)

Standard: staff attendance at court is timely and professional, and the correct levels of support are provided.

Accommodation (QSD4)

Standard: the CPS has adequate accommodation at court and there are sufficient facilities to enable business to be conducted efficiently.

VICTIMS AND WITNESSES (Chapter 6)

KEY REQUIREMENTS:

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

Witnesses at court (QSD3)

Standard: witnesses are treated with consideration at court and receive appropriate support and information.

Direct Communication with Victims (CAP13)

Standard: victims are informed of decisions to discontinue or change charges in accordance with CPS policy on Direct Communication with Victims.

Meetings with victims and relatives of victims (DCV5)

Standard: meetings are offered to victims and relatives of victims in appropriate circumstances, staff are adequately prepared and full notes are taken.

Victims' Charter (CR2)

Standard: results indicate that the needs of victims and witnesses are consistently met in accordance with the Victims' Charter.

PERFORMANCE MANAGEMENT (Chapter 7)

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

Performance standards (PM1)

Standard: performance standards are set for key aspects of work and communicated to staff.

Performance monitoring (PM2)

Standard: performance is regularly monitored by senior and middle management against plans and objectives, targets and standards are evaluated, and action taken as a result.

Joint performance management (PM3)

Standard: systems are in place for the management of performance jointly with CJS partners.

Risk management (PM4)

Standard: risk is kept under review and appropriately managed.

Continuous improvement (PM5)

Standard: the Area has developed a culture of continuous improvement.

Accounting for performance (PM6)

Standard: the Area is able to account for performance.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

KEY REQUIREMENTS:

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

Human resource planning (P1)

Standard: human resource needs are systematically and continuously planned.

Staff structure (P2)

Standard: staff structure and numbers enable work to be carried out cost effectively.

Staff development (P3)

Standard: staff capabilities are identified, sustained and developed.

Performance review (P4)

Standard: staff performance and development is continuously reviewed and targets agreed.

Management involvement (P5)

Standard: management has an effective dialogue with staff and fosters a climate of involvement.

Good employment practice (P6)

Standard: management meets its statutory obligation as an employer and demonstrates good employment practice.

Equality and diversity (P7)

Standard: action has been taken to implement CPS equality and diversity initiatives and all staff are treated equally and fairly.

Health and safety (P8)

Standard: mechanisms are in place to address requirements under health and safety legislation.

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

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

Staff financial skills (MFR1)

Standard: the Area has the appropriate structure and staff with the necessary skills to plan and manage finance.

Adherence to financial guidelines (MFR2)

Standard: the Area complies with CPS rules and guidelines for financial management.

Budgetary controls (MFR3)

Standard: the Area has effective controls to facilitate an accurate appreciation of its budgetary position for running costs.

Management of prosecution costs (MFR4)

Standard: prosecution costs are effectively managed and represent value for money.

Value for money approach (MFR5)

Standard: the Area demonstrates a value for money approach in its financial decision-making.

PARTNERSHIPS AND RESOURCES (Chapter 10)

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

CJS partnerships (P&R1)

Standard: partnerships with other CJS agencies are developed and managed.

CJS agencies (KPR8)

Standard: partnerships with other CJS agencies are improving quality and timeliness of casework and ensure that decisions are free from bias.

Improving local CJS performance (CR4)

Standard: CJS partners are satisfied with the contribution the CPS makes to improving local Area performance.

Information technology (P&R2)

Standard: information technology is deployed and used effectively.

Buildings, equipment and security (P&R3)

Standard: the Area manages its buildings, equipment and security effectively.

Partnership with Headquarters and the Service Centre (P&R4)

Standard: the Area has a good working partnership with Headquarters Departments and the Service Centre.

POLICY AND STRATEGY (Chapter 11)

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

Stakeholders (P&S1)

Standard: policy and strategy are based on the present and future needs and expectations of stakeholders.

Performance measurement (P&S2)

Standard: policy and strategy are based on information from performance measurement, research and related activities.

Review (P&S3)

Standard: policy and strategy are developed, reviewed and updated.

Framework of key processes (P&S4)

Standard: policy and strategy are developed through a framework of key processes.

Communication and implementation (P&S5)

Standard: policy and strategy are communicated and implemented.

PUBLIC CONFIDENCE (Chapter 12)

KEY REQUIREMENTS:

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

Complaints (CR1)

Standard: complaints are effectively managed to increase satisfaction and confidence.

Minority ethnic communities (CR5)

Standard: the Area ensures that high casework standards are maintained in cases with a minority ethnic dimension in order to increase the level of confidence felt by minority ethnic communities in the CJS.

Safeguarding children (CR7)

Standard: the Area safeguards children through its casework performance and compliance with CPS policy in relation to cases involving child abuse and work through with other agencies, including the Area Child Protection Committee(s).

Community engagement (CR6)

Standard: the Area has appropriate levels of engagement with the community.

Media engagement (SR2)

Standard: the Area engages with the media.

Public confidence (SR3)

Standard: public confidence in the CJS is measured, evaluated and action taken as a result.

LEADERSHIP AND GOVERNANCE (Chapter 13)

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

Vision and values (L&G1)

Standard: vision and values are developed and support a culture of continuous improvement.

Staff recognition (L&G2)

Standard: managers actively motivate, recognise and support their staff.

Management structure (L&G3)

Standard: the Area has developed an effective management structure to deliver Area strategy and objectives.

Organisational structure (L&G4)

Standard: the Area has developed an effective organisational structure to deliver Area strategy and objectives.

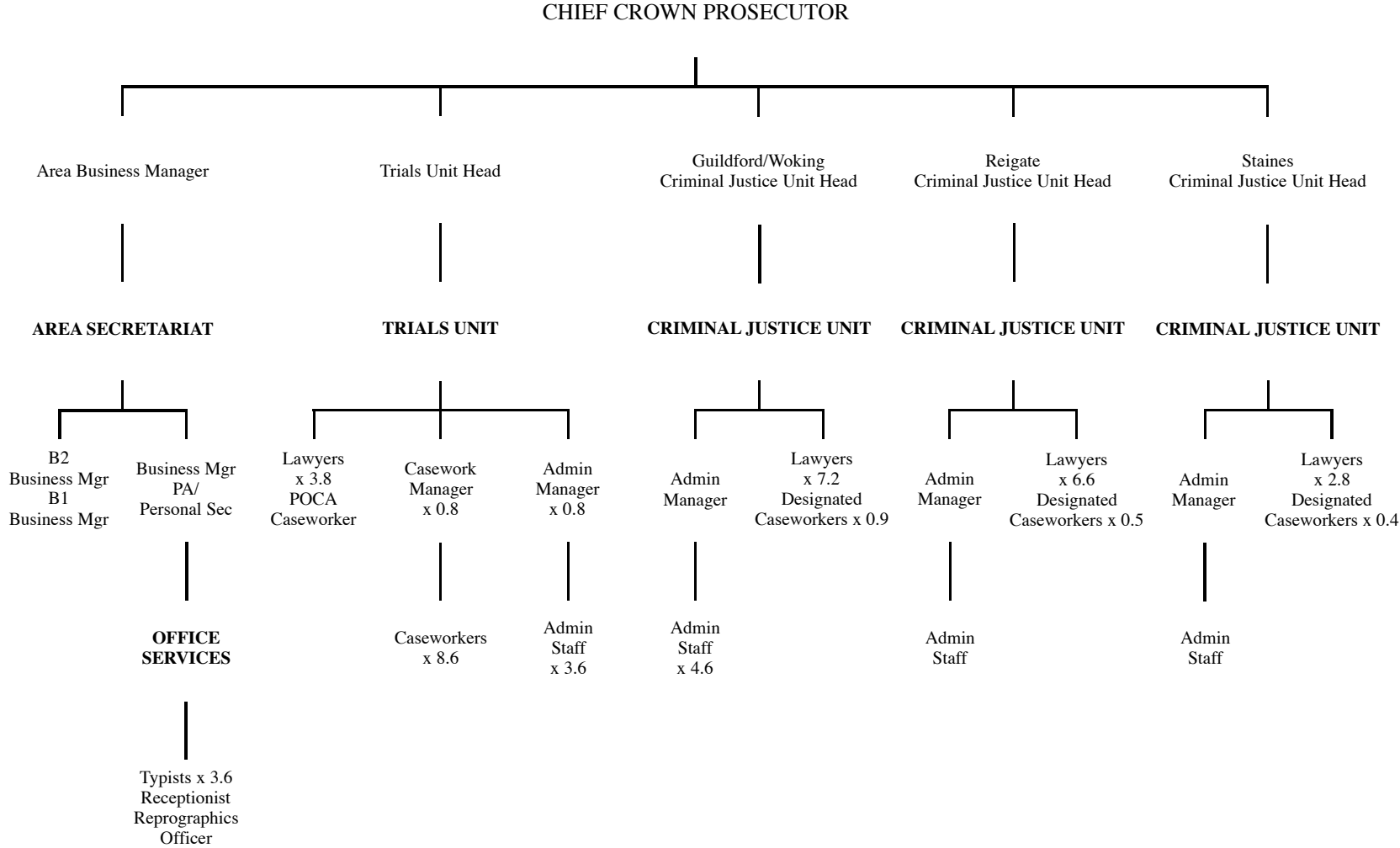
Action plans (L&G5)

Standard: effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

Criminal justice system co-operation (L&G6)

Standard: the Area co-operates with others in achieving aims set for the criminal justice system.

CPS SURREY STAFF STRUCTURE



AREA CASELOAD FOR YEAR TO SEPTEMBER 2004

Types of case - Magistrates' Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Pre-charge decision	983	7.2	117,727	7.0
Advice	507	3.7	204,679	12.1
Summary	7,882	58.0	854,178	50.5
Either way and indictable	4,081	30.0	500,793	29.6
Other proceedings	146	1.1	13,506	0.8
Total	13,599	100	1,690,883	100
Completed cases - Magistrates' Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Discontinuances and Bind-overs	1783	15.8	166,810	13.1
Warrants	478	4.2	67,066	5.3
Dismissed no case to answer	24	0.2	4,040	0.3
Acquittals after trial	188	1.7	17,208	1.4
Discharged	4	0.0	3,501	0.3
Total Unsuccessful Outcomes	2,477	22.0	258,625	20.4
Convictions	8,781	78.0	1,009,992	79.6
Total	11,258	100	1,268,617	100
Committed for Trial In the Crown Court	877		103,260	
Case results – Magistrates' Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Guilty pleas	6,869	76.4	782,061	75.8
Proofs in absence	1,122	12.5	168,915	16.4
Convictions after trial	790	8.8	59,016	5.7
Acquittals after trial	188	2.1	17,208	1.7
Acquittals: no case to answer	24	0.3	4,040	0.4
Total	8,993	100	1,031,240	100
Types of case - Crown Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Indictable only	352	30.2	39,195	30.5
Either way: defence election	135	11.6	8,781	6.8
Either way: magistrates' direction	355	30.5	47,535	37.0
Summary: appeals; committals for sentence	323	27.7	32,800	25.6
Total	1,165	100	128,311	100
Completed cases – Crown Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Judge ordered acquittals and Bind-overs	129	14.9	14,475	14.7
Warrants	16	1.9	2,076	2.1
Judge directed acquittals	8	0.9	1,801	1.8
Acquittals after trial	68	7.9	6,279	6.4
Total Unsuccessful Outcomes	221	25.6	24,631	24.9
Convictions	642	74.4	74,093	75.1
Total	863	100	98,724	100
Case results - Crown Court	CPS Surrey		National	
	Number	Percentage	Number	Percentage
Guilty pleas	522	72.7	59,994	73.0
Convictions after trial	120	16.7	14,099	17.2
Acquittals after trial	68	9.5	6,279	7.6
Judge directed acquittals	8	1.1	1,801	2.2
Total	718	100	82,173	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS SURREY		
	September 2004	March 2002
Lawyers in post (excluding CCP)	23.4	22.2
Cases per lawyer (excluding CCP) per year	581.2	732.4
Magistrates' courts contested trials per lawyer (excluding CCP)	42.8	27.2
Committals for trial and "sent" cases per lawyer (excluding CCP)	37.5	36.2
Crown Court contested trials per lawyer (excluding CCP)	8.76	10.3
Level B1, B2, B3 caseworkers in post	18.8	17.2
Committals for trial and "sent" cases per caseworker	46.7	46.7
Crown Court contested trials per caseworker	10.9	13.3
Running costs (non ring fenced)	£2,837,000	£2,130,113

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

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN AUGUST 2002**

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R1	<p>Unit Heads ensure that:</p> <ul style="list-style-type: none"> * The timeliness of advice is improved; * All informal advice is recorded; and * Formal and informal advice is linked to any subsequent prosecution file. 	Partially achieved. Timeliness remains poor for those advices given outside the shadow pre-charge advice scheme. The recording and linking of advices has been facilitated by the use of Compass in the shadow pre-charge scheme.
R2	<ul style="list-style-type: none"> * Prosecutors ensure that all files are subject to effective continuing review; and * Unit Heads ensure that the systems to monitor the quality and timeliness of continuing review are effective. 	Partially achieved. Casework Quality Assurance has been introduced, although not completed consistently every month. Quality and timeliness of continuing review, particularly for summary trial, remains a weakness.
R3	<p>Prosecutors record on the file:</p> <ul style="list-style-type: none"> * The grounds on which they have relied to support applications for remands in custody, and the grounds on which the courts refuse to grant bail; and * Details of any conditions attached to bail granted by the magistrates. 	Achieved.
R4	The CJU Head implement systems to ensure that domestic violence cases are identified correctly and flagged appropriately.	Achieved. Compass CMS used and domestic violence cases flagged on the front of file.
R5	The CCP ensure that racist incident cases are captured by RIMS and, in particular, that fast track cases do not slip through the net.	Partially achieved. Some units are recording correctly, but systems in other units are not fully effective.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R6	Unit Heads review the office systems to identify the obstacles to prompt handling of correspondence and develop a solution to the problem.	Partially achieved. Some units are handling post and e-mails efficiently, but not all.
R7	Area managers introduce a system of recording material that is served by way of AI.	Achieved.
R8	Unit Heads monitor the standard of disclosure schedules submitted by the police and, where appropriate, take positive remedial action.	Partially achieved. Casework Quality Assurance is in place – but compliance with the JOPI still needs attention.
R9	Prosecutors in the TU endorse a record of their committal review to a proper professional standard.	Achieved.
R10	The TU Head ensures that all instructions to counsel contain an adequate summary that deals with all the issues in a case and the acceptability of pleas where relevant.	Not achieved. The quality of instructions is still an aspect for improvement.
R11	Prosecutors complete TQ1s in all appropriate cases.	Not achieved. The TQ1 return rate is around 60%.
R12	The ABM: <ul style="list-style-type: none"> * Reviews the systems for recording and monitoring CTLs in the CJU; and * Provides training to supplement the recent guidance about CTLs. 	Achieved. Although more can be done to improve the consistency of Area systems.
R13	The CCP reviews the strategy for the deployment opportunities that are available for HCAs.	Partially achieved. HCAs are used as juniors, but not to prosecute jury trials. The introduction of shadow pre-charge advice has led to a curtailment of attendance by HCAs at the Crown Court.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R14	The CCP and ABM drive forward for the implementation of the Glidewell recommendations on co-location and joint working, gearing the pace of change to the needs of criminal justice in Surrey.	Achieved. Staines CJU and the TU are now co-located successfully. Roll-out for the other two units is due November 2004 and April 2005.
R15	As part of the Communication Strategy, the Area ensures that a regular, formal meeting structure is established (at unit, team, and Secretariat level), and that the appropriate mechanisms are in place to ensure an effective and efficient flow of information from managers to staff, and vice-versa.	Not achieved. Except in the Staines CJU.
R16	The SMT and AMT review their relative roles and responsibilities, and develop Terms of Reference to govern their work.	Partially achieved. But more development work is needed.
R17	Area managers review arrangements for engaging external consultants or suppliers of services.	Achieved.
	SUGGESTIONS	POSITION IN SEPTEMBER 2004
S1	The Head of the CJU liaises with the police to ensure that police officers are fully aware of the statutory time limits that apply to the prosecution of summary offences.	Achieved.
S2	Area managers ensure that: <ul style="list-style-type: none"> * The issues in adverse cases are properly identified and addressed; and * That there are effective systems in place to disseminate information about the cases to all appropriate staff across the units. 	Partially achieved. Adverse case reports are completed, but not all lessons are identified. There are references to lessons in <i>Shout</i> and the CCP's <i>When it doesn't go to plan</i> .

	SUGGESTIONS	POSITION IN SEPTEMBER 2004
S3	Area managers consider ways of further involving the AMT and staff in the formal planning process to enable them to better understand the part that they play in the achievement of Area objectives.	Partially achieved. The AMT has been involved, but a wider range of staff have not effectively been engaged.
S4	The TU Head monitors the quality of the Area's indictments, to identify any common issues or training needs, with a view to reducing the number of indictments that need to be amended.	Not achieved. CQA has been put in place, but the quality of indictments is at the same level as during the previous inspection.
S5	Area managers ensure that those individuals who either join the organisation mid-way through the reporting year, or change their role, receive their FJP and PDPs at the appropriate time.	Partially achieved. The timeliness of PARs and FJPs/PDPs is variable.

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

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	4
No case to answer	5
Trials	22
Discontinued cases	13
Race crime	(3)
Domestic violence cases	(8)
Child abuse	(1)
Youth trials	(5)
Cracked trials	4
Ineffective trials	9
Cases subject to custody time limits	7
Crown Court cases/TU:	
Advice	6
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	17
Judge directed acquittals	3
Trials	26
Child abuse cases	(7)
Race crime	(2)
Domestic violence	(4)
Cracked trials (guilty pleas)	6
Ineffective trials	1
Rape cases	(5)
Street crime cases	(10)
Cases subject to custody time limits	4
TOTAL	127

When figures are in brackets, this indicates that the cases have been counted within their generic category eg trials.

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

Crown Court

His Honour Judge Crocker
Mr S Townley, Group Director and Area Director Designate
Ms G Cook, Court Manager
Ms F Stewart, Listing Officer
Ms D Eales, Court Progression Officer

Magistrates' Courts

Mrs D Berland JP
Mr P Jeans JP
Mrs E Marwick JP
Mr J Miles JP
Dr T Thomas JP, Chair of the Surrey Magistrates' Courts' Committee
Mrs L Tregaskes JP
Mr J Baker, Director of Legal Services
Mr M Dunford, Head of Legal Services, Woking
Ms J Richards, Head of Legal Services, Guildford
Ms A Mead
Ms A Reedman
Ms K Smith, Office Manager
Ms J Warman, Office Manager
Mr J Potter, Operations Manager

Police

Mr R Quick, Acting Chief Constable
Mr M Rowley, Assistant Chief Constable
Chief Superintendent C Denholm
Chief Superintendent J Kirkby
Chief Superintendent R Price
Chief Superintendent L Owens
Chief Superintendent I Whyte
Detective Superintendent A Pughsley
T/Superintendent J Boshier
T/Superintendent S Cheeseman
T/Chief Inspector P Sacha
Detective Inspector S Salmon
Inspector L Partridge
Mr M Barnes
Ms P Clare
Ms J Gill
Ms S Goulding

Mr T Grant
Ms F Higgins
Mr A Joosob
Mr M Morley
Ms L Nieman
Ms S Oldfield
Ms E O'Shea
Ms J Sands
Ms P Tozer
Ms K Smith
Ms P Watson

Defence Solicitors

Mr R Chandler
Mr J Evans
Mr T Francis
Mr M Graham
Mr A Mitchell

Counsel

Mr R Bendall
Mr S Connolly
Mr T Cray
Mr R Johnson
Miss W Joseph QC
Ms H Norton
Mr S Russell-Flint QC
Mr W Saunders
Mr G Smith
Mr V Temple QC
Mr N Wood

Counsel's Clerk

Mr A Barnes, Senior Clerk

Probation Service

Ms K Page, Chief Officer of Probation
Ms L Ball, Assistant Chief Officer of Probation
Mr R Little, Senior Liaison Officer
Ms M Mason-Thompson
Ms R Thomas, Liaison Officer
Ms J West

Witness Service

Mr G Burge
Mr M Hall
Ms J Rooke, Chair of the Witness Service Sub Committee
Ms J Wells

Victim Support

Ms C Braid
Ms S Cowan
Ms J Dowle
Mr D Driscoll, Chair of Surrey Victim Support
Mr M Hardman
Mr M Kelly
Ms S Marlow
Ms J Mather
Ms S Prouty

Youth Offending Teams

Mr T Wells, Head of Youth Justice

Community Groups

Mr I Cole, Safer Guildford Hate Crimes Group
Mr D Dodd, Surrey Community Safety Unit
Ms B French, DV Strategy Implementation Manager
Mr S Gillen, Surrey Community Action
Ms F Leroy, NSPCC Child Witness Support Project
Ms L Perry, Surrey Community Safety Unit
Ms N Samota, NACRO
Ms R Stewart, Surrey Community Safety Unit
Ms D Urbanowna, Surrey Community Action
Ms K Wilson-White, Director Surrey Woman's Aid

Local Criminal Justice Board

Ms J Lang, Communications Officer
Ms J McCallen, Secretariat Manager
Ms S Slater, Performance Officer

Members of Parliament

Mr D Wilshire MP

Members of Parliament with constituencies in Surrey were invited to contribute.

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

HMCPST VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

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

COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
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 presently available to priority Areas and the intention is to expand the scheme to cover 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' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
CUSTODY TIME LIMITS (CTLs)	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated

EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and 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
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCPSI conducts its inspections
EVIDENTIAL TEST	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
GLIDEWELL	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
HIGHER COURT ADVOCATE (HCA)	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
JOINT PERFORMANCE MONITORING (JPM)	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
INDICTABLE ONLY OFFENCES	Offences triable only in the Crown Court, e.g. murder, rape, robbery
INEFFECTIVE TRIAL	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
JUDGE DIRECTED ACQUITTAL (JDA)	Where the judge directs a jury to find a defendant not guilty after the trial has started
JUDGE ORDERED ACQUITTAL (JOA)	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
LEVEL A, B, C, D, E STAFF	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)

LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
NARROWING THE JUSTICE GAP (NJG)	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. 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 and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units will be introduced into all 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
PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority

REVIEW , initial, continuing, summary trial etc	The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in the Code. One of the most important functions of the CPS
SECTION 9 CRIMINAL JUSTICE ACT 1967	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
SECTION 51 CRIME AND DISORDER ACT 1998	A procedure for fast-tracking <i>indictable only</i> cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates
SENSITIVE MATERIAL	Any relevant material in a police investigative file not forming part of the case against the defendant, the <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
STRENGTHS	Work undertaken properly to appropriate professional standards i.e. consistently good work
SUMMARY OFFENCES	Those triable only in the magistrates' courts, e.g. most motoring offences
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court