



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

REPORT 19/04

NOVEMBER 2004

Promoting Improvement in Criminal Justice

CPS SUSSEX



AREA OFFICE

Brighton

OTHER OFFICES

Chichester, Crawley, Eastbourne

MAGISTRATES' COURTS

Brighton, Chichester, Crawley, Eastbourne, Hastings
Horsham, Lewes, Mid Sussex (Haywards Heath), Worthing

CROWN COURT

Chichester, Hove, Lewes

CONTENTS

	PAGE
PREFACE	
1 INTRODUCTION	1
The report, methodology and nature of the inspection	2
2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS	4
Overview	4
Key performance results	4
Casework	4
Advocacy and quality of service delivery	5
Victims and witnesses	5
Performance management	5
People management and results	6
Management of financial resources	6
Partnerships and resources	6
Policy and strategy	6
Public confidence	6
Leadership and governance	6
Bringing offenders to justice	7
Reducing ineffective trials	7
Improving public confidence	7
Value for money	7
Equality and diversity issues	7
Recommendations	7
3 KEY PERFORMANCE RESULTS	9
Commentary	12
<i>Pre-charge advice to police</i>	12
<i>Quality of decision-making</i>	12
<i>Continuing review</i>	12
<i>Discontinuance</i>	12
<i>Discharged committals</i>	12
<i>Level of charge</i>	13
<i>Ineffective trials</i>	13
<i>Persistent young offenders</i>	13
<i>Persistent offenders</i>	13
<i>Sensitive cases</i>	13
<i>Adverse outcomes</i>	13
<i>Narrowing the justice gap</i>	14
<i>Disclosure</i>	14
4 CASEWORK	15
Pre-charge advice to police (CAP1)	15
Cases ready to proceed at first date of hearing (CAP2)	15
Bail/custody applications (CAP3)	16
Discontinuances in magistrates' courts (CAP4)	16
Summary trial preparation (CAP5)	16
Committal and Crown Court case preparation (CAP6)	18
Discharged committals	19

	Disclosure of unused material (CAP7)	20
	Sensitive cases (CAP8)	20
	Youth cases (CAP13)	21
	File/message handling (CAP9)	21
	Custody time limits (CAP10)	21
	Joint action to improve casework (CAP11)	22
	National Probation Service and Youth Offending Teams (CAP12)	22
	Appeal and committal for sentence processes (CAP14)	22
	Appeals against unduly lenient sentences (CAP15)	23
	Recording of case outcomes (CAP16)	23
	Information on operational and legal issues (CAP17)	23
	Readiness for court (CAP18)	23
	Learning points (CAP21)	24
5	ADVOCACY AND QUALITY OF SERVICE DELIVERY	25
	Advocacy standards and monitoring (CAP19)	25
	Court endorsements (CAP20)	25
	Court preparation (QSD1)	25
	Attendance at court (QSD2)	26
	Accommodation (QSD4)	26
6	VICTIMS AND WITNESSES	27
	Witnesses at court (QSD3)	27
	Direct Communication with Victims (CAP13)	27
	Meetings with victims and relatives of victims (DCV5)	28
	Victims' Charter (CR2)	28
7	PERFORMANCE MANAGEMENT	29
	Performance standards (PM1)	29
	Performance monitoring (PM2)	29
	Joint performance management (PM3)	29
	Risk management (PM4)	30
	Continuous improvement (PM5)	30
	Accounting for performance (PM6)	30
8	PEOPLE MANAGEMENT AND RESULTS	31
	Human resource planning (P1)	31
	Staff structure (P2)	31
	Staff development (P3)	32
	Performance review (P4)	32
	Management involvement (P5)	33
	Good employment practice (P6)	33
	Equality and diversity (P7)	34
	Health and safety (P8)	34
9	MANAGEMENT OF FINANCIAL RESOURCES	35
	Staff financial skills (MFR1)	35
	Adherence to financial guidelines (MFR2)	35
	Budgetary controls (MFR3)	35
	Management of prosecution costs (MFR4)	35
	Value for money approach (MFR5)	35

10	PARTNERSHIPS AND RESOURCES	36
	CJS partnerships (P&R1)	36
	Improving local CJS performance (CR4)	36
	Information technology (P&R2)	37
	Buildings, equipment and security (P&R3)	37
	Partnership with Headquarters and the Service Centre (P&R4)	37
11	POLICY AND STRATEGY	38
	Stakeholders (P&S1)	38
	Performance measurement (P&S2)	38
	Review (P&S3)	38
	Framework of key processes (P&S4)	38
	Communication and implementation (P&S5)	38
12	PUBLIC CONFIDENCE	40
	Complaints (CR1)	40
	Minority ethnic communities (CR5)	40
	Safeguarding children (CR7)	40
	Community engagement (CR6 and SR1)	41
	Media engagement (SR2)	41
	Public confidence (SR3)	41
13	LEADERSHIP AND GOVERNANCE	42
	Vision and values (L&G1)	42
	Staff recognition (L&G2)	42
	Management structure (L&G3)	42
	Organisational structure (L&G4)	42
	Action plans (L&G5)	43
	Criminal justice system co-operation (L&G6)	43
ANNEX 1	Business Excellence Model Inspection Map	
ANNEX 1A	Key requirements and inspection standards	
ANNEX 2	Area organisational chart to show structure and staff numbers	
ANNEX 3	Area caseload figures	
ANNEX 4	Resources and caseloads	
ANNEX 5	Implementation of recommendations and suggestions from report published August 2002	
ANNEX 6	Files examined for CPS Sussex	
ANNEX 7	List of local representatives who assisted in the inspection	
ANNEX 8	HMCPSI Vision, Mission and Values	
ANNEX 9	Glossary	

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 first 27 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Sussex, which serves the area covered by Sussex Police. It has five offices, at Chichester, Crawley, Eastbourne, and two at Brighton. The Area Headquarters (Secretariat) is based at the Brighton office.
- 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 are based in Brighton, Crawley and Eastbourne. The Brighton Trial Unit (TU) reviews and handles cases dealt with in the Crown Court and is based in Brighton. The Chichester Combined Unit deals with both Crown Court and magistrates' courts matters in the west of the county.
- 1.3 At the time of the inspection in June 2004, the Area employed the equivalent of 129.2 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of 6.1 other staff. Details of staffing of the units is set out below:

Grade	Brighton TU	Brighton CJU	Crawley CJU	Eastbourne CJU	Chichester Combined Unit
Level E	1	0	0	0	0
Level D	1	1	1	1	1
Level C lawyers	8.9	9.9	5.6	9.6	12.9
Level B2 caseworkers	1	2	1	0.9	2
Level B1 caseworkers	15.6	2	1	1	7
Level A caseworkers	10.4	3.5	4	8	8.8
TOTAL	37.9	18.4	12.6	20.5	31.7

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

- 1.4 Details of the Area's caseload in the year ending March 2004 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	6,523	21.6	12.4
Summary motoring	2,480	8.2	17.4
Other summary	10,945	36.2	35.8
Either way and indictable only	9,473	31.3	33.4
Other proceedings	824	2.7	1.1
TOTAL	30,245	100%	100%

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

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	561	22.5	31.7
Either way offences	1,206	48.5	43.4
Appeals against conviction or sentence	227	9.1	9.0
Committals for sentence	494	19.9	15.9
TOTAL	2,488	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 Sussex (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

The report, methodology and nature of the inspection

- 1.7 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.
- 1.8 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.
- 1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Sussex 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 Sussex should be a full one.
- 1.10 Our previous report made a total of 25 recommendations and five suggestions. 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.
- 1.11 Our methodology combined examination of 169 cases finalised between January - March 2004 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' and Crown Court.

- 1.12 Inspectors visited the Area between 28 June - 9 July 2004. The lay inspector for this inspection was Mrs Sue Holroyd, who was nominated by the National Association for the Care and Resettlement of Offenders (NACRO). 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.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

2.1 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 targets and equality and diversity issues.

Overview

2.2 CPS Sussex has motivated staff and is led by managers who are respected within the Area and by criminal justice partners. The Area structure is sound and systems are in place to deliver proper performance, people and financial management.

2.3 The Area works closely with its criminal justice systems partners, and has actively engaged with its local community.

2.4 Some aspects of casework performance - such as the application of the Code for Crown Prosecutors' tests at initial review, and its performance in relation to reducing delays in persistent young offender cases - are consistently very good, but more work needs to be done to improve preparation for summary trials and Crown Court cases, so that casework is done more efficiently to reduce ineffective trials and acquittals. We set out our recommendations in this chapter, and in the main body of the report.

Key performance results

2.5 The Area is sound on initial reviews, but the acquittal rates are higher than the national average. The discontinuance rate has started to climb despite the introduction of pre-charge advice and Area managers will need to ascertain the cause for this. It may reflect the time needed for the full benefits of the scheme to work through, but does need to be monitored.

2.6 Performance to reduce cracked and ineffective trials is better than the national average, save for ineffective trials in the magistrates' courts. Although some of these ineffective trials are beyond the control of the CPS, managers will need to reduce the number of trials rendered ineffective by CPS case management difficulties.

2.7 The Area's performance on reducing the time taken to deal with persistent young offenders from arrest to sentence is consistently impressive. In January - March 2004, the average time taken was 50 days.

Casework

2.8 During the year ending March 2004, the Area dealt with 33,722 cases in the magistrates' courts and 2,488 cases in the Crown Court. In addition, it provided the police with 6,523 pre-charge advices.

2.9 Decision-making at the initial review stage is good, but when cases go to trial, the acquittal rate exceeds the national average in all categories except for judge directed acquittals, where the Area's performance is similar to the national average.

- 2.10 The timeliness and quality of police files have a negative impact on the ability of the CPS to properly prepare for trial, but the effectiveness of case management systems in the units also require management attention, as they account for some of the adverse outcomes as well as cracked and ineffective trials. The absence of pre-trial reviews (PTRs) in most summary trials - except those in Chichester - has exacerbated the problem. We are therefore pleased to note that the Area is working with the magistrates' courts to consider the re-introduction of PTRs across the county.
- 2.11 The timeliness of the disclosure of unused material is poor, which is also linked to police files and case management issues. However, the decisions taken are generally sound and well documented. The Area's performance on secondary disclosure is substantially better than the national average, particularly in the Crown Court (80% as opposed to 57.1% in our cycle-to-date).
- 2.12 The Area has had a number of cases that should have been committed for trial, but were discharged because they were not ready. This occurred mainly in Brighton and the principle cause appears to be the lack of a sufficient file from the police. These cases are monitored, and work is in hand to agree with the police a protocol on roles and responsibilities for post-discharge actions.
- 2.13 While the Area is working to improve its analysis of adverse cases to identify trends in dismissals, there is still some reluctance to accept shortcomings in review or case handling. In view of the acquittal rates, this requires a re-doubling of the effort.

Advocacy and quality of service delivery

- 2.14 Advocacy in the Area is satisfactory, but a small number of advocates need to be better prepared and improve their presentational skills. The Area will need to monitor the position and address any under-performance.
- 2.15 The Area will need to ensure that staff comply with its policy on delivery of files to agents to ensure that they have sufficient time to prepare for court.

Victims and witnesses

- 2.16 The Area has made significant improvements in victim and witness care and should now focus on improving the quality of information to the Witness Service, and on witness care in the Crown Court.
- 2.17 The operation of the Direct Communication with Victims scheme needs to improve. While some of the letters are well written, the scheme has not captured all applicable cases and improvement is needed to the timeliness of the letters.

Performance management

- 2.18 The Area has an effective performance management system that focuses on the performance of each unit over the full range of casework and management issues, including resources and current projects. However, it could benefit from a stronger strategy for continuous improvement.

People management and results

- 2.19 The Area complies with CPS corporate employment policies. Staff deployment is agreed by the Area Management Team (AMT) at the beginning of the year and subject to regular review. Pressure on lawyer resources has led to an increasing reliance on agents, which could have a negative impact on the standing of the Area with the courts and public.
- 2.20 There is a good quarterly Area newsletter and good communication exists within the offices. Good performance within the units is recognised and is reinforced by a formal Reward and Recognition Scheme.
- 2.21 Health and safety concerns over accommodation are addressed; however lawyers have concerns over the transportation of files to court.

Management of financial resources

- 2.22 The Area has sound systems for projecting and controlling expenditure and financial guidelines are being adhered to.

Partnerships and resources

- 2.23 Partnerships within the local criminal justice system are generally strong. The Area is seen as committed to improving performance, but its case management capability can undermine this effort.
- 2.24 Progress towards co-location and shadow charging has been very good. However, not all the co-located units have realised the benefits associated with joint working.
- 2.25 The Area has embraced the use of Compass (the CPS computer-based case management system) and secure email.

Policy and strategy

- 2.26 The planning for, and implementation of, policy and the various change initiatives, is sound; however the Area needs to carry out more systematic post-implementation reviews to ensure the envisaged benefits have been realised.

Public confidence

- 2.27 An Action Plan to raise public confidence has been developed by the Sussex Criminal Justice Board (SCJB) and they have appointed a full time Public Confidence Co-ordinator to carry it through. The Area has played a full part in preparing the Plan, which recognises the importance of witness care at every stage of the criminal process.

Leadership and governance

- 2.28 The Area has a cohesive and supportive senior management team who have a clear vision for the Area and provide strong leadership.

- 2.29 The separate locations and the lack of day-to-day interaction between the units has led to some staff being unaware of the wider Area perspective, with their focus being at the unit level.

Bringing offenders to justice

- 2.30 In December 2003, there was an 8.8% increase in the percentage of offences brought to justice against the baseline for 2001-02. This exceeded the Area target of a 5% increase.

Reducing ineffective trials

- 2.31 The position in the Crown Court is encouraging, but more work needs to be done in the magistrates' courts, where the performance is below the national average.

Improving public confidence

- 2.32 A fair amount of work is done by the Area, both individually and as part of the SCJB, to engage the local communities. It will now need to evaluate whether this has been effective. Some improvements are required in relation to the complaints handling system and the Area's engagement with local Area Child Protection Committees.

Value for money

- 2.33 The AMT decides on deployment resources to ensure that best value is obtained. The current financial and performance management regimes allow them to accurately monitor resources and assess future liabilities.

Equality and diversity issues

- 2.34 The Area has a diverse workforce. Staff are familiar with the "Dignity at Work" policy and there is confidence that managers will act in accordance with it.

Recommendations

- 2.35 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.
- 2.36 We have made five recommendations to help improve the Area's performance:
1. The Area Management Team take action to improve the case management systems in the Criminal Justice Units, so that all trials are reviewed within a reasonable time after being listed for trial. They should then be subject to a pre-trial check a short period before the trial, to ensure that the prosecution is trial-ready (paragraph 4.14).
 2. Trial Unit Heads review the case management systems in their respective units, so that the progress of outstanding work - in particular court orders - is monitored, and the work done to avoid unnecessary interlocutory hearings (paragraph 4.21).

3. The AMT ensures that adverse case reports are completed for all relevant cases, and that they provide an accurate and objective judgement on the cause of the failure (paragraph 4.56).
4. The AMT should build on its internal assessment on performance under the Direct Communication with Victims scheme to identify and address barriers to:
 - * the correct identification of cases that require a DCV letter;
 - * the timely provision of DCV letters; and
 - * the production of high quality DCV letters (paragraph 6.7).
5. The AMT should discuss with the police a joint review of processes in the co-located units so that the further benefits from co-location can be realised. (paragraph 10.6).

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 2003-2004
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	96.3%	-	86.7%
Decisions complying with public interest test in the Code ¹	-	97.0%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	100%
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	-	77.5%	-	45.5%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.2%	-	12.4%
Discontinued cases with timely discontinuances ¹	-	75.4%	-	78.3%
Decisions to discontinue complying with the evidential test ¹	-	93.3%	-	100%
Decisions to discontinue complying with the public interest test ¹	-	92.6%	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	89.1%	-	39.1%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.2%	-	100%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.1%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Dec 03) 37.5%	-	(Oct-Dec 03) 38.3%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	19.3%	-	4 out of 9
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Dec 03) 28.8%	-	(Jan-Mar 04) 33.0%
Ineffective trials in the file sample that could have been avoided by CPS action	-	34.1%	-	- ⁴
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.9%	-	2.0%
Decisions to proceed to trial complying with the evidential test ¹	-	96.2%	-	83.3%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.6%	-	100%
Cases with timely summary trial review ¹	-	76.7%	-	62.5%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	70.9%	-	66.7%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	40.7%	-	4 out of 5

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance 2003-2004
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	79.1%	-	92.0%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.4%	-	93.4%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	80.3%	-	61.0%
Timely and correct continuing review after committal	-	83%	-	62.5%
Cases with timely service of committal papers on defence	80%	76.2% 85.3% ³	-	85.7% ¹ 89.3% ²
Cases with timely delivery of instructions to counsel	84%	84.6% 85.4% ³	-	88.5% ¹ 96.3% ²
Instructions to counsel that were satisfactory ¹	-	63.7%	-	53.9%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 38.3%	-	(Apr03-Mar04) 36.2%
Cracked trials that could have been avoided by CPS action ¹	-	15.8%	-	23% (3 out of 13)
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 20.7%	-	(Apr03-Mar04) 19.1 %
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	12.1%	-	- ⁴
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		85.6%		50.0%
Indictments that required amendment ¹		25.6%		17.9%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.4%		92.6%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	32.1%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.4%	-	11.6%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+ 6.9% (as at Nov 03)		+ 8.8% (as at Dec 03)

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 March 2004

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 2003-2004
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		72.4%		75.0%
Cases where secondary disclosure properly handled ¹		64%		1 out of 1
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97%		93.8%
Trials where appropriate use made of the witness care measures ¹		85.2%		1 out of 2
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		82.5%		85.7%
Cases where secondary disclosure properly handled ¹		57.1%		80.0%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		81.3%		20%
Trials where appropriate use made of the witness care measures ¹		92.6%		66. %
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	94.2%	-	90.9%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	Apr 03-Mar 04 98.9%	100%	99.5%
Handling of complaints				
Complaints replied to within 10 days ²	94%	Apr 03-Mar 04 86.1%	96%	88.7%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	Oct-Dec 03 92.8%	N/A	100%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	Not available	Not available	Not available
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	68 days (Dec-Feb 04)	71 days	50 days (Jan-Mar 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 inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 31 March 2004

Commentary

Pre-charge advice to police

- 3.1 We examined 15 advice cases, the majority of which were advices under the shadow charging scheme. The Code evidential test had been correctly applied in 13 out of 15 cases and the Code public interest test was correctly applied in all relevant cases. All but one of the advices gave a clear explanation of the reasons behind the decisions.

Quality of decision-making

- 3.2 The application of the Code test at first review is good. However, the level of performance at initial review is not replicated in cases prepared for trial, or for hearing at the Crown Court. Both the percentage of cases resulting in acquittals after trial, and judge ordered acquittals, exceed the national average. The percentage of trials resulting in a ruling of no case to answer in the magistrates' courts is significantly higher than the national average. Our file examination reveals that this is often caused by insufficient attention being paid to details of evidence, particularly in cases involving identification issues, or those involving more than one defendant. We discuss this further in Chapter 4.

Continuing review

- 3.3 Review for summary trial is below the national performance in the cycle-to-date and, in a third of summary trial preparations, appropriate requests for further information had not been made.
- 3.4 Decision-making in the preparation of Crown Court cases is similar to the national performance, but more needs to be done to ensure that issues are dealt with in a timely manner.

Discontinuance

- 3.5 The Area's discontinuance rate is 12.4%, slightly higher than the national average. The shadow charging scheme has been implemented across the Area, which should result in a decrease in discontinuance rate. Instead, after a downward trend in discontinuance by the end of 2003, the rate has moved up again.
- 3.6 The Code tests had been correctly applied in all 14 discontinued cases in our file sample.

Discharged committals

- 3.7 Area records show that from 1 April 2003 - 31 March 2004, 73 cases pending committal to the Crown Court were discharged because the prosecution was not ready to proceed on the date fixed for committal. While this is a marked improvement from the last inspection, when 17 cases were discharged in the first three weeks of December 2001, the Area must work with the police to seek improvement. The lack of a sufficient file is the most common cause.

Level of charge

- 3.8 All magistrates' courts cases and all but one of the Crown Court cases proceeded to trial or plea on the correct level of charge.

Ineffective trials

- 3.9 The position in the Crown Court is satisfactory. In 2003-04, the ineffective trial rate was 19%, and the Area has met its target for reducing ineffective trials.
- 3.10 Performance in the magistrates' courts is less satisfactory at 33.0%, against the national average for the same period at 28.8%. Data from the SCJB suggests that the main reason for ineffective trials in the magistrates' courts is the failure by defendants to attend court. The Area also believes that multiple listing of trials contributed to the ineffective trial rate. However, our file examination suggests that the CPS could have prevented the trials being ineffective in two out of five cases. We therefore welcome the SCJB's plan to conduct more in-depth analysis into the cause of ineffective trials.

Persistent young offenders

- 3.11 In January - March this year, the average time taken to deal with a persistent young offender (PYO) was 50 days. This is very good indeed, but more importantly, the Area has not exceeded the 50-day standard in any three-month period since August 2003. This performance is impressive (see paragraph 4.33).

Persistent offenders

- 3.12 The target for Sussex for 2003-04 was 1,300 offences brought to justice. It has narrowly missed this, with a small shortfall of 91 offences.

Sensitive cases

- 3.13 Casework decisions in domestic violence cases are generally sound, but in half the cases examined, one or more aspects of the national CPS domestic violence policy had not been followed. This included the failure to identify the case as a domestic violence case, undue delays, and making premature decisions when victims withdraw.
- 3.14 The Area's handling of racist offences, rape, child abuse and street crime cases is generally sound.

Adverse outcomes

- 3.15 In all nine of the 28 judge ordered and judge directed acquittals where the outcome was foreseeable, we considered that the CPS should have done more to avoid the outcome, or discontinued the case earlier.
- 3.16 The result was foreseeable in all five cases dismissed in the magistrates' courts on a submission of no case to answer. In one of these cases, the result was only foreseeable just before the trial commenced, as a witness had not attended court. In the other four cases, however, the CPS could have done more to avoid the outcome or discontinued the case earlier.

Narrowing the justice gap

- 3.17 The SCJB performance from January - December 2003 was 23,904 offences brought to justice. The SCJB target for 2003-04 is 23,833 offences. Local data shows that, by January 2004, performance exceeded the target up to that month, and the SCJB anticipates that its performance will exceed the annual target.

Disclosure

- 3.18 In most cases there was evidence that reviewing lawyers had considered the unused non-sensitive material schedule in detail, and made appropriate endorsements. The Area's performance is better than the average seen in the inspection cycle-to-date, particularly in relation to secondary disclosure in the Crown Court.

4 CASEWORK

Pre-charge advice to police (CAP1)

- 4.1 The Area operates a shadow pre-charge advice scheme across the whole county. We examined files for which advice had been given under the scheme, as well as files submitted to the CPS for advice where police felt that CPS input was necessary before charge. The quality of the advice is below the national average. While two advices were very good, the Code evidential test was incorrectly applied in two other cases. The public interest decision in all relevant cases was correct.
- 4.2 The shadow charging scheme was introduced in Brighton in August 2003. This was extended in stages to all six charging centres in the county by January 2004. It has been well received by police. We attended an advice session in Chichester Police Station, where we observed a good working relationship between the duty lawyer and police staff. It is accepted by the CPS and police that there is a tendency among police officers to submit files that should not come into the scheme, thereby overloading the scheme and resulting in some cases not receiving an immediate response from the duty lawyer. Steps are being taken to address this. We were pleased to see that CPS and police managers continue to monitor the scheme. For example, the timetable system has been made more flexible so that the length of an appointment with duty prosecutors more closely reflects the complexity of a case.

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

- 4.3 Most cases receive a review before first hearing. The application of the Code tests at this stage is consistently very good, and there is no evidence of bias or discrimination. However, we found that requests for additional evidence and information were made appropriately at first review in only 45.5% of cases, against a national performance in the cycle-to-date of 77.5%. Bearing in mind that the Area encounters problems with police file quality and timeliness, more could be done so that issues are addressed as early as possible.
- 4.4 There is a divergence of views among prosecutors as to whether a case that had been the subject of pre-charge advice should be re-reviewed prior to the first hearing. The view of the AMT - which we support - is that cases should be re-reviewed, with the degree of re-review depending on the nature of the case and the advice given. We have been told that, on occasions, police have charged without having completed further investigations requested of them by the duty advising lawyer. This is one reason why the files must be re-reviewed. Where the reviewing lawyer disagrees with the advising lawyer, Area policy requires that the matter be brought to the attention of the Unit Head, but we found that this had not always occurred. Management attention is therefore required, to re-iterate the relationship between the pre-charge advice and the initial review.
- 4.5 Advance information is usually available at court. Most file jackets used by the CJUs have provisions for recording details, and advocates usually make use of that facility. Some file jackets do not make specific provisions for this process, and the recording is more haphazard. This requires management attention.

Strengths

- * The consistently good application of the Code tests at initial reviews.

Bail/custody applications (CAP3)

- 4.6 Prosecutors make appropriate representations in bail applications. They also take an appropriate stance in relation to defence applications to vary bail conditions. This is an improvement from the last inspection.

Discontinuances in magistrates' courts (CAP4)

- 4.7 The Area's rate of discontinuance for the year ending March 2004 was 12.4%, slightly higher than the national figure of 12.2%. The discontinuance rate at the last inspection was 15.6%. Area managers were concerned that, despite some successes in reducing the discontinuance rate - which fell below 10% towards the end of 2003 - it has begun to rise in 2004. The fact that the increase seems to run alongside the implementation of the shadow pre-charge advice scheme - which should reduce discontinuance - is difficult to understand. We think that the full benefits of charging might not have come through yet and that, coupled with the Area's findings that the scheme might not be capturing all the cases that should be advised upon, mean the position is not entirely unreasonable. However, managers need to re-visit this aspect of performance in due course and look at the cases discontinued after an advice to charge, to ascertain whether there are issues surrounding the quality of the advice, the response by police to pursue further enquiries as advised, and the decisions to discontinue.
- 4.8 All the decisions to discontinue complied with the Code and the timeliness of discontinuance was slightly better than the national average. We accept that late police responses to CPS enquiries have caused some discontinuances to be late, but better case management and a more realistic appraisal on the likelihood of the case proceeding to trial would help to reduce delays in discontinuance.

Strengths

- * Compliance with the Code tests when making the decision to discontinue.

Summary trial preparation (CAP5)

- 4.9 The timeliness and quality of full police files is unsatisfactory. This has led to trials being prepared quite close to their trial dates. This in turn leads to cases not being ready for trial for various reasons, for example, because the disclosure of unused material has not been made. Our examination of the adverse cases also suggests that some of the reviews have been rushed and detailed points in the case are missed by reviewing lawyers.

- 4.10 We understand that the pre-trial review (PTR) system has not been as effective as intended, due to the lack of readiness of parties at these hearings. It has therefore been abandoned, save for a few particularly complicated cases. We understand that the Area is working with the magistrates' courts to consider the re-introduction of PTRs across the county. The current practice is that, once a not guilty plea is entered, the advocates warn those whom they perceive to be needed for the trial, and serve whatever statements and documents they have available. A proper trial review is then conducted when the full file is received.
- 4.11 The absence of a formal opportunity for the prosecution and the defence to discuss issues at a PTR has several disadvantages. First, the acceptability of alternative pleas is not discussed. Secondly, all witness availability dates are obtained, so trial dates are often fixed a long way ahead to accommodate witnesses who might not be needed.
- 4.12 The absence of PTRs also causes the police and CPS to focus on the trial date, so that trial preparation and the gathering of outstanding evidence do not commence until several months after the date of the offence and, in some extreme cases, until two or three weeks before the trial.
- 4.13 In paragraph 3.10, we pointed out that the main reason for ineffective trials in the magistrates' courts is non-attendance by defendants – the percentage is the highest in England and Wales. Another reason is over-listing. The CPS is, nevertheless, responsible for a significant number of ineffective trials, for example, through late disclosure of unused material or witness problems that could have been addressed before the trial date. We think that this is linked to case management.
- 4.14 While the quality and timeliness of police files do play a part, prosecutors can help by addressing gaps in the evidence earlier, and thereafter by ensuring that responses from the police are chased up. This is not done well by the units, and the lack of file ownership in Eastbourne makes this more difficult. The lack of efficient and effective case management means that cases often have to be adjourned to enable outstanding work to be completed. We saw examples of this in our file sample and in court visits. This in turns leads to more hearings, increasing the amount of work to be done. Some prosecutors feel that the Area is severely under-resourced, and some have said that the extent of the backlogs in trial preparation is such that, even if police files were delivered in good time, they would have difficulty in preparing trials in a reasonable time. While lawyer resources have undoubtedly been stretched by the shadow pre-charge advice scheme, inefficiencies in the file management system are a real concern.

RECOMMENDATION

The Area Management Team take action to improve the case management systems in the Criminal Justice Units, so that all trials are reviewed within a reasonable time after being listed for trial. They should then be subject to a pre-trial check a short period before the trial, to ensure that the prosecution is trial-ready.

Committal and Crown Court case preparation (CAP6)

- 4.15 Service of committal papers upon the defence was timely (within ten working days of receipt of a satisfactory file from the police) in 92% of the cases we examined. This is significantly better than the national performance of 79.2%. However, cases are not always trial-ready at committal and further evidence must be obtained. The disclosure of unused material often occurs post-committal and sometimes later than the dates directed by the court.
- 4.16 Even if a police file is not satisfactory, a case can be committed in order to progress it beyond the magistrates' courts. Area managers are concerned that, if the police then respond late - or not at all - to requests for further information in these cases, problems will occur. In Brighton TU in particular, where lawyers prepare the case for committal and caseworkers assume management of the case thereafter, lawyers have few opportunities to see whether work they have requested has been done to their satisfaction.
- 4.17 It is reasonable to commit some cases that are not trial-ready. What is required is good judgement by the reviewing lawyers to do so only in cases where the gaps in the evidence can be filled easily. Where cases are committed for trial despite not being trial-ready, reviewing lawyers must set out clearly what further work is required, and this must then be supported up by a robust case management system. We are therefore pleased to see that the Area is working with the police to seek the appointment of Case Progression Officers.
- 4.18 We found that orders made at plea and directions hearings (PDHs), and the dates on which they have been complied with, are not clearly set out in the files. We also found that, in many instances, cases have to be brought back to court before the trial because the CPS has not complied with PDH orders. There is an Area practice whereby PDH orders are recorded in caseworkers' diaries and in a Unit Directions Diary. However, we found that some staff tend to use the former for custody time limit monitoring only and the latter for court orders requiring actions within seven days. Case Progression Officers should therefore also have the role of ensuring that the relevant caseworkers and reviewing lawyers comply with the directions of the court.
- 4.19 The quality of instructions to counsel was satisfactory in only 53.9% of cases; the national performance in the cycle-to-date is 63.7%. The most common omission is an adequate analysis of the facts, or instructions concerning the acceptability of alternative pleas. In one unit it has been suggested that the reason for this is that it is difficult to print off review notes recorded on Compass. This explanation is unsatisfactory. First, review notes cannot always take the place of a case analysis. Secondly, national Compass policy is that hard copies of review notes should be placed on file so there should not have been a problem with copying. Finally, some instructions simply refer to police summaries. These summaries are at best a précis of the facts, and at worst misleading. They certainly should not take the place of a proper analysis of the case by the reviewing lawyer.
- 4.20 The cracked and ineffective trial rates are better than the national average.

- 4.21 Crown Court cases often take more than a day. To avoid unnecessary attendance or prolonged waiting by witnesses, the CPS should - with the assistance of counsel - warn witnesses to attend in phases. In our file sample, witness phasing had not been undertaken in most of the cases where it was appropriate.

Aspects for improvement

- * The contents of instructions to counsel, particularly in relation to case analysis and acceptability of pleas.
- * The phasing of witnesses in appropriate cases.

RECOMMENDATION

Trial Unit Heads review the case management systems in their respective units, so that the progress of outstanding work - in particular court orders - is monitored, and the work done to avoid unnecessary interlocutory hearings.

Discharged committals

- 4.22 We are pleased to see that the Area monitors discharged committals - the number of discharged cases is comparatively high (73 cases from 1 Apr 2003 - 31 Mar 2004) - which represents just under 6% of cases listed for committal. We accept that prosecutors have to take difficult decisions as to whether to commit when the police file is incomplete, but the fact that all the discharged cases were handled by the Brighton TU raises questions as to whether a consistent approach had been taken across the Area.
- 4.23 A discharged committal is reviewed by the Unit Head. He will indicate to police whether consideration will be given to re-instating the case and, if so, what work must be completed by the police. This is an opportunity for him to address the issue of consistency.
- 4.24 While it is perfectly acceptable for the CPS and police to ascertain the reason behind a discharged committal - not least because the CPS may have to argue that the re-instatement is not an abuse of the court's process - care should be taken to avoid this being turned into an argument about blameworthiness. We are therefore pleased to see that the Area is working with the police to agree a protocol on post-discharge actions. While the document rightly focuses on police action within agreed timescales, we think that it should also provide a timetable for CPS action, so that both sides can readily appreciate the overall need for speed with which a case should be re-instated. This is an issue for management attention.

Aspects for improvement

- * The reduction in the number of discharged committals.

Disclosure of unused material (CAP7)

- 4.25 The Area's performance in relation to disclosure is sound. In the file sample, primary disclosure was dealt with properly in the magistrates' courts in 12 out of 16 cases (75.0%), compared with 72.4% found in our inspection cycle-to-date. The position in the Crown Court is similar: primary disclosure was dealt with properly in 24 out of 28 cases (85.7%), compared with 82.5% in our inspection cycle-to-date. We note that many prosecutors consider the non-sensitive unused material schedules (MG6Cs) in some detail, in particular, whether the material is disclosable because it undermines the prosecution case or whether disclosure is voluntary. What has prevented the Area from achieving a higher level of performance, particularly in the CJUs, is that lawyers sometimes omit to consider the material listed in the sensitive unused material schedule or material that is clearly in existence, but which has not been listed on either disclosure schedule.
- 4.26 Secondary disclosure in the Crown Court was handled correctly in 16 out of 20 cases (80%), compared to a 57.1% national performance in the cycle-to-date. We found that, in the majority of cases, there was a clear audit trail of work done pursuant to the receipt of a defence statement.
- 4.27 The unsatisfactory state of affairs in relation to non-compliance with PDH orders is mainly to do with disclosure. While the Area points to inadequate police actions as being the main cause, prosecutors also suggest that the terms of some of the orders are wider than the law requires and make the task of pursuing enquiries difficult. Despite this assertion, we have no evidence that the Area and those it instructs to conduct Crown Court cases are pro-active in arguing against the terms of the orders before they are made. This requires management attention.

Sensitive cases (CAP8)

- 4.28 The Area has designated specialist prosecutors for all categories of sensitive cases, however, because resources are spread across five units, cases are not always allocated to them.
- 4.29 The Area and individual units have put in place arrangements to raise standards in prosecuting sensitive cases. We are pleased to see that discussions on the prosecution of sensitive cases feature regularly in meetings and action plans. For example, as a result of the last inspection, the Area Domestic Violence Co-ordinator now works alongside unit specialists to raise awareness of the issues involved. A discussion at the Equality and Diversity Committee on the effectiveness of the racist incident monitoring scheme received the attention of the Area Management Team, who in turn instigated quarterly reports on compliance.

- 4.30 Multi-agency working is an essential ingredient in the prosecution of sensitive cases. The Area has a Service Level Agreement with Sussex Police on the handling of domestic violence cases. There is a multi-agency Protocol (Sussex Young Witness Service, CPS, police, Victim Support, and Social Services departments in the county) to assist young witnesses.
- 4.31 The Area will need to assure itself that there are periodic checks on compliance with internal and multi-agency arrangements. For example, its compliance with the CPS domestic violence policy is not entirely satisfactory.

Youth cases (CAP13)

- 4.32 The Area has specialist youth prosecutors and youth cases are properly prosecuted.
- 4.33 The Area's performance in relation to the timeliness in persistent young offender (PYO) cases is very good. Not only does it exceed the national target by a fair margin, it has done so consistently.

Strengths

- * The timeliness for dealing with persistent young offenders from arrest to sentence.

File/message handling (CAP9)

- 4.34 Co-location with police has taken place in all units apart from the Chichester Combined Unit. However, the progress made by the units in realising the potential benefits of co-location varies. For example, in Brighton CJU, police staff have taken over some of the administrative tasks, such as assembling files for court and the linking of post to CPS files. These benefits have not yet been achieved in the other units.
- 4.35 A single file system has been adopted in all the CJUs. The single file is used by the police and CPS until a full file is required, whereupon a working copy of the full file is also produced for use at court.
- 4.36 Post and files are generally handled in good time. Apart from in one CJU, Compass is used to locate files, then post is linked to them and left in the lawyer's or caseworker's tray or cabinet. We are not satisfied that the action required is always registered on Compass and, as a result, its file management functionality is not fully utilised - which results in turn to important work being carried out at the last minute.

Custody time limits (CAP10)

- 4.37 The Area tells us that it experienced three custody time limit (CTL) failures last year. Since then, staff have been given additional training, and the CTL system was revisited and tightened.

- 4.38 We examined six magistrates' courts and five Crown Court cases that were subject to CTLs at the time of the inspection. We found one magistrates' courts case where the expiry date was incorrectly calculated by one day and the management check did not detect the error.
- 4.39 We found the Area's practice of placing a chronology sheet on the front of the file useful. However, despite the CTL system being Area-wide, this was deployed in only half the files we examined. The Area has a good CTL management system, and staff should be encouraged to adhere to it.
- 4.40 The Area's arrangements for applications to extend CTLs is also sound, and applications are generally made appropriately and in a timely fashion.

Aspects for improvement

- * Compliance with the Area CTL monitoring system.

Joint action to improve casework (CAP11)

- 4.41 The CPS and police work well together; co-location has taken place everywhere except Chichester, where resource constraints have prevented progress. Shadow pre-charge advice is available across the county, and joint work is being done to increase police assistance in CPS administrative tasks to free up resources for the appointment of Case Progression Officers.
- 4.42 Over-listing in the magistrates' courts is one cause of ineffective trials. We were therefore pleased to note that the CPS and magistrates' courts are working together to review the current practice and to re-assess the potential benefits of pre-trial reviews.

National Probation Service and Youth Offending Teams (CAP12)

- 4.43 The performance by the Area in relation to the provision of information to the Probation Service is good. In Crown Court cases, there is usually a record of what information is given and when. However, there are lapses in magistrates' courts cases, where the files do not always indicate whether the information has been provided. This is an issue for management attention.
- 4.44 The working relationship with the Youth Offending Team (YOT) is also good, and there is a useful exchange of information, including a system whereby the YOT can make representations to the CPS on whether a young offender is suitable for diversion from the court system.

Appeal and committal for sentence processes (CAP14)

- 4.45 Caseworkers in the TUs prepare appeals from the magistrates' courts to the Crown Court and committals for sentence. These cases are dealt with satisfactorily, and we were not made aware of any concerns by other agencies.

- 4.46 In Brighton TU consideration should be given to delegating appeals against sentence, committal for sentence cases, and file preparation for courts, to level A caseworkers - so as to enable B1 caseworkers to manage their cases more efficiently. Historically that used to be the case, but a shortage of administration staff resulted in the work being taken on by more senior staff. The Area hopes to revert to this position soon.

Appeals against unduly lenient sentences (CAP15)

- 4.47 Prosecutors and caseworkers are aware of the national guidelines in relation to appeals against unduly lenient sentences. Appeals are few, so we were only able to consider one case that fell within our inspection period. The appeal was properly brought and the outcome was successful.

Recording of case outcomes (CAP16)

- 4.48 Cases are finalised within 24 hours of each court hearing. For Brighton TU cases, caseworkers update Compass at court because terminals are available. There were no apparent backlogs at the time of the inspection.
- 4.49 Systems are in place for Unit Business Managers (UBMs) to ensure the accurate recording of adverse cases. However, we were concerned that training has not been provided for staff on the new version of performance indicator (PI) codes.
- 4.50 The Area has limited user rights to the Compass management report (MIS) functions and the Area Secretariat generates Performance Indicator Reports from MIS for all the units.

Information on operational and legal issues (CAP17)

- 4.51 Information on operational and legal issues is first sifted by Unit Heads then passed to staff by bulletins, email and team meetings. We found that staff have a satisfactory level of awareness of the relevant issues.

Readiness for court (CAP18)

- 4.52 Area policy provides that Crown Prosecutors receive their files one day prior to court and agents are sent files two or three days in advance using the document exchange service. There is concern by representatives of some criminal justice partners that agents are not receiving files on time and that this has had a negative impact on their performance in court. Sometimes this is caused by chambers taking late decisions as to the availability of counsel, and the issue is not so much the late delivery of files, but the late receipt of files by the agent. In addition, late notification of the split of a list between courtrooms may delay the point at which instructions can be sent. On other occasions, some units have applied the Area policy too loosely. For example, an agent we observed in court received his papers two days beforehand, but it was an abridged version of the file, containing mainly the evidence in the case. As a result, he struggled in court when he had to deal with issues about the progression of the case. In another court, an agent told inspectors that files are regularly delivered at 9am on the day of the hearing, although he added that he thought that this was adequate.

- 4.53 The position is the Crown Court is better, although we have noted that, occasionally, counsel were unable to locate their instructions for interlocutory hearings because they had not been sent to chambers and there were difficulties locating them at court. This requires management attention.

Aspects for improvement

- * The delivery of files to agents, in accordance with Area policy.

Learning points (CAP21)

- 4.54 The Area operates an adverse case report system. Lawyers and caseworkers who have conduct of failed cases are expected to provide a brief report in standard format. This is then passed to the Unit Heads for consideration. The reports and the Unit Heads' analysis form part of the unit performance management process and are considered by the Area Management Team.
- 4.55 This approach of extracting learning points from failed cases is sound, but Area managers confirmed our findings in file reading that the process had not always been carried out. As a result, the CCP has made adverse case reporting a priority for Unit Heads. This has resulted in more reports being completed, but we are still concerned that staff and Unit Heads are not sufficiently realistic and objective in their assessment of why a case failed and, more importantly, whether the CPS could have taken action to avoid the outcome.
- 4.56 We think that the errors we observed were probably driven by staff being concerned that they may be criticised for the failed case. For example, witness non-attendance is a significant factor in failed cases, particularly in the Crown Court. The overall impression we got from the adverse case reports was that these were unavoidable. However, when we looked into the cases in greater detail, we found that even where there is information in the files that suggested that the witness might not attend, or was otherwise unreliable, the report would conclude that the CPS could not have avoided the outcome when it had made no response to that information. In one case, the report has attributed the failure to witness difficulties even though the case was dropped before the trial date and after the CPS had obtained a summons to secure the witnesses attendance.

RECOMMENDATION

The AMT ensures that adverse case reports are completed for all relevant cases, and that they provide an accurate and objective judgement on the cause of the failure.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We monitored the performance of eight counsel, one Higher Court Advocate (HCA), one designated caseworker (DCW), eight agents and 11 in-house prosecutors. Generally, their performance was wholly acceptable, but four prosecutors and one agent performed marginally lower than the fully satisfactory standard. This picture was reflected in the evidence we received from other interviewees. There is annual monitoring of in-house lawyers, but several of the lawyers themselves were unaware of this.
- 5.2 A formal advocacy assessment - including agents - was conducted in 2003 by an external consultant, with a report being submitted on the Area's performance, and we commend this exercise. However, there is no formal system for monitoring the performance of counsel, and reliance is placed on adverse reporting from other agencies or staff.

Aspects for improvement

- * Advocacy monitoring of counsel.

Court endorsements (CAP20)

- 5.3 In our file sample, 23% of magistrate's courts files did not contain an adequate record of court proceedings. The position is better in Crown Court cases, although in two of them the amended indictment was missing. In another eight out of 13 Crown Court cases, the accepted basis of plea was not recorded on the file. The accurate recording of court proceedings is an issue for management attention.

Court preparation (QSD1)

- 5.4 Preparation by lawyers in the magistrates' courts was of a variable standard, and we noted instances where the prosecutor did not have relevant information or documents readily available. We had no such concerns regarding the preparation by caseworkers in the Crown Court.
- 5.5 The Area has a high usage of agents in the magistrate's courts, including youth courts. We are therefore pleased to see that agents are provided with a folder containing CPS national and local policy and guidance. These instructions would benefit from expansion to cover the application of Anti-Social Behaviour Orders, a topic with which many agents are understandably not fully familiar. We think that the situation should be remedied as soon as practicable.
- 5.6 We dealt with the delivery of files to agents in paragraph 4.52.

Attendance at court (QSD2)

- 5.7 In the magistrates' courts most of the in-house lawyers and agents arrived at court in good time, but there were a few late arrivals. This is an issue for management attention.
- 5.8 In the Crown Court, the level of support from caseworkers and duty lawyers was generally regarded and observed to be of a high standard, despite the lack of resources to cover each court on a one-to-one basis.

Accommodation (QSD4)

- 5.9 There are CPS rooms in Eastbourne and Brighton Magistrates' Courts. Each is equipped with IT facilities, although in Eastbourne the equipment level could be better. There are no separate areas for the use of the CPS at Chichester, Crawley or Worthing Magistrates' Courts, nor is there any access to IT equipment, text books or other resources. In Haywards Heath and Horsham, CPS advocates share the use of the advocates' room with defence advocates, which can hamper proper preparation by lawyers at court.
- 5.10 The facilities available to the CPS at the Crown Court sitting at Lewes and Hove are very much better than those at Chichester, which are very poor.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 The service to witnesses and victims at the magistrates' courts has improved significantly from a low starting point two years ago. Most in-house prosecutors engage well with witnesses, and our observations confirmed this. The service provided by agents was less well regarded, and that provided in the Crown Court was of a lower standard than in the magistrates' courts. Caseworkers and counsel often do not come and see witnesses and victims in standard cases, and information is usually provided only when sought, rather than pro-actively given. However, the care of vulnerable victims and witnesses is markedly better.
- 6.2 The provision of information to the Witness Service is a cause for concern in parts of the Area - particularly in the magistrates' and youth courts - with patchy provision of lists of witnesses to attend court (LWACs), insufficient information on these lists, or no notice being given of a trial being vacated. A letter sent by the Witness Service on this topic to the relevant part of the Area in May had not had a response by the time of our inspection in late June.
- 6.3 We note in our file samples that not all applications for Special Measures are made in a timely fashion. We are told that, in some instances, this is because the CPS cannot disprove defence assertions that proper notice had not been given. We do think, however, that despite a noticeable improvement in lawyers and caseworkers applying their minds to the use of Special Measures, some applications tend to be re-active. The CPS needs to work with the police to identify these cases at an earlier stage of proceedings. This issue requires management attention.

Aspects for improvement

- * The provision of witness information to Witness Service.
- * The standard of victim and witness care in the Crown Court.

Direct Communication with Victims (CAP13)

- 6.4 The Area conducted an audit of its performance under the Direct Communication with Victims (DCV) scheme in late 2003, and found that timeliness of DCV letters was a real issue. Our file sample and checking of records on site confirmed this, but we also noted that there have been cases where no letters were sent at all.
- 6.5 Area policy provides that lawyers who take decisions to drop cases or to reduce the severity of the charge must trigger the DCV letter. Where the case is discontinued or an offence is reduced outside court, lawyers usually either write the letters themselves or ensure that the file goes into the DCV system. Where the decisions are taken at court, the position is less satisfactory. Lawyers often do not indicate on the file jacket that a DCV letter is needed, so the identification of files that require letters falls to an administrative officer when the case is finalised. This has an impact both on the identification of appropriate files and on timeliness.

- 6.6 While the Area's own assessment found no cause for concern with the quality of letters, we were unable to endorse this finding. In parts of the Area, we found that many of the letters used standard paragraphs that were irrelevant to the circumstances of the case, or were overly legalistic and inaccessible in style. Some had simple typographical errors. This tends to occur in units where typists, under the direction of the UBMs, draft the DCV letters. They do go to a lawyer for checking, but the errors have not been picked out. Conversely, we found that where the lawyers draft the letters themselves, standard paragraphs were used sparingly and the letters were more personalised and generally of a much better quality.
- 6.7 DCV letters in domestic violence cases refer to agencies that can offer assistance to victims. We think that the letters can benefit from including contact details of the local branches of these agencies, together with a copy of the Domestic Violence leaflet. This is an issue for management attention.

RECOMMENDATION

The AMT should build on its internal assessment on performance under the Direct Communication with Victims scheme to identify and address barriers to:

- * **the correct identification of cases that require a DCV letter;**
- * **the timely provision of DCV letters; and**
- * **the production of high quality DCV letters.**

Meetings with victims and relatives of victims (DCV5)

- 6.8 Adequate facilities are available at CPS offices to hold meetings with victims or their relatives where necessary. We were told of several meetings with victims or relatives of victims, but only saw one written record of a meeting. The Area's self-assessment in 2003 noted instances where no meeting had been offered in circumstances where the offer ought to have been made. This is an issue that should be addressed as part of our proposed review of the DCV system.

Victims' Charter (CR2)

- 6.9 Witness warnings were generally sent to the police in a timely manner, although the phasing of witnesses attending the Crown Court should occur more frequently.
- 6.10 Appropriate use is made of the provisions to agree evidence under section 9, Criminal Justice Act 1967.

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area Business Plan (ABP) includes targets and objectives which are linked to the achievement of Public Service Agreement targets and have been adopted by each unit and encapsulated in their Unit Business Plans. The AMT sets casework standards, although they have not been codified and published.
- 7.2 The responsibility for communicating the ABP and casework standards to staff rests with the Unit Heads through team meetings and Forward Job Plans (FJPs). We found staff had a broad understanding of key Area targets.

Performance monitoring (PM2)

- 7.3 The Area monitors its casework performance through a range mechanisms including:
- * Casework Quality Assurance;
 - * adverse case reports in all no case to answer, judge ordered and judge directed acquittals, and Crown Court acquittals;
 - * reports on all discontinued cases for joint performance management meetings with the police.
- 7.4 Concerns also exist about the reliability of the data provided by Compass. To overcome this, a system of local trackers is in place to record key aspects of casework performance. While this provides valuable data, it is very time consuming for the UBMs and affects their ability to carry out other management roles. The long-term aim is to phase out the local trackers and rely on Compass.
- 7.5 The Unit Heads produce monthly performance reports based on data provided by the Area Secretariat and local trackers are used to record various aspects of performance. Each Unit Head accounts for their unit's performance at the monthly AMT meeting. These reports are then consolidated into an Area report. In addition, quarterly reports are produced for each unit as part of the performance appraisal process for Unit Heads.

Joint performance management (PM3)

- 7.6 All Unit Heads attend a quarterly joint performance management (JPM) meeting with the police to examine police file quality and timeliness, and analyse trends behind discontinued cases and acquittals in the Crown Court. The process is generally seen as useful, but the return rate of the monitoring forms (TQ1s) and the timeliness of their return remains a concern. Given the Area perception that many aspects of its casework performance are adversely affected by issues surrounding police files, this requires management attention.
- 7.7 The magistrates' courts and Crown Court both produce cracked and ineffective trial (CIT) data. The Area has concerns over the accuracy of this data and steps are in hand to address this. Monthly meetings are held to discuss joint performance analysis of ineffective trials.

Risk management (PM4)

- 7.8 The Area has done a lot of work on risk assessment, but has still to fully integrate that work into its planning and performance management processes.
- 7.9 A detailed Risk Register has been completed in accordance with CPS Headquarters' guidance in relation to the delivery of business objectives and targets. This includes proposed counter-measures with actions and review dates. The risk 'owners' will now report quarterly to the AMT.

Continuous improvement (PM5)

- 7.10 The Area is committed to producing high quality casework and advocacy. Although adverse case analysis is carried out, and there is Casework Quality Assurance, these measures have yet to be translated into an effective and consistent improvement in casework.
- 7.11 Office systems throughout the Area are broadly consistent, but as detailed earlier, we are concerned about the lack of effective case management procedures.
- 7.12 The Area has already recognised that there is scope for the Area Business Manager (ABM) and the UBMs to share good practice more effectively, and some offices have begun to implement local strategies for continuous improvement. One example is the Area Best Practice Group, although it is still in its early stages and has yet to have any real impact as reflected in some of its issues we have identified there. However, at the time of the inspection no established Area strategy was in place for continuous improvement.

Accounting for performance (PM6)

- 7.13 The Area is able to account for individual case outcomes and, through its performance management regime, fully account for Area and unit performance.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The deployment of human resources is based on the Area's own assessment of each unit's needs, based on caseload and court commitments. It is discussed and agreed at the start of each financial year by the AMT and is regularly reviewed during the year. Overall, staffing levels are determined by the Area's budget.
- 8.2 The Area has an active rotation policy for lawyers between the TUs and CJUs. This is particularly important now that the shadow pre-charge advice scheme is in place, as it is covered by lawyers from both units. The period of rotation varies according to the individual lawyer and the particular business needs at the time.

Staff structure (P2)

- 8.3 The Area comprises three co-located CJUs at Brighton, Crawley and Eastbourne, a co-located TU at Brighton and a Combined Unit at Chichester. There is a small Area Secretariat based in Brighton.
- 8.4 The Area has long recognised that the TUs and CJUs cannot operate in isolation of each other - particularly as regards lawyer deployment - because of the imperative of covering magistrates' courts hearings within a set budget. This has enabled the Area, since October 2003, to deploy lawyers from all the units to provide advice under the shadow scheme.
- 8.5 For the year 2003-04, 68% of the magistrates' courts sessions were completed in-house. This is expected to fall to between 50% - 60% during the current year, partly due to the introduction of the shadow advice scheme. Agent usage will therefore increase. While we appreciate that financial pressures prevent the recruitment of more lawyers above the four recruited in the year 2003-04, we are nevertheless concerned that such a high level of coverage by agents could diminish the standing of the CPS with the courts and the public.
- 8.6 Based on our court observations and data provided by the Area, we do not consider court coverage by in-house lawyers to be particularly onerous or out of line with other Areas. An increase in prosecutors' court coverage will mean a decrease in the time allowed for desk-based work, but we think that better case management should reduce lawyers' input to each case.
- 8.7 We do not think that the Area is making full use of its level B1 caseworkers in the TU. They only do a significant proportion of pre-committal work in the Combined Unit at Chichester. The Area needs to try and make the best use of all its staff - caseworkers and lawyers - and increasing caseworker involvement pre-committal is one way of doing so.
- 8.8 The Area has five designated caseworkers (one of whom is part-time). It has negotiated with the magistrates' courts to achieve their effective deployment.
- 8.9 The Area had been very pro-active in deploying Higher Court Advocates. However, a mixture of the current budgetary restraints and the greater priority afforded to the pre-charge advice scheme, means that it has currently had to cut back on their deployment.

Staff development (P3)

- 8.10 The Area was re-accredited as an Investor in People (IiP) in November 2003.
- 8.11 Training needs are analysed by the Area Secretariat from individual Personal Development Plans (PDPs). The Secretariat then liaises with the regional Training and Development Officer on how these can best be met. Recently the emphasis has been on delivering the training for national initiatives – the disclosure of unused material, Compass, Proceeds of Crime Act 2001 and Sexual Offences Act 2003.
- 8.12 The Area Training Committee informs the direction of the Area Training Strategy. This consists of representatives from each unit and provides a valuable conduit for identifying issues and evaluating the success of training.
- 8.13 The spread of offices over a wide geographical area, part-time working and staff childcare issues, exacerbate problems around access to training. While the Area has little influence over the location of national training, it tries to base locally provided training at various locations. In addition, financial support is provided for additional childcare.
- 8.14 There is a full induction pack for new members of staff and an induction programme, although the delivery of induction training is variable.
- 8.15 Two annual training days are held for all staff. This provides a valuable opportunity to seek the views and opinions of all staff and build an Area identity, as well as providing training and development on key issues. CJS partners are also invited to attend.

Performance review (P4)

- 8.16 Performance appraisal reports are completed for all staff. The return rate for appraisal reports in the 2003-04 cycle is 100%.
- 8.17 All staff consulted had a Forward Job Plan, which consists of a mixture of job-specific, local target-related, and personal development objectives.
- 8.18 Poor performance is being tackled through the appraisal system.
- 8.19 The majority of staff felt that good performance was recognised and commented on by both managers and colleagues. To reinforce this culture, the Area has introduced a formal Reward and Recognition Scheme. This enables staff to formally identify and reward colleagues who have made the greatest contributions to the success of their team or unit.

Strengths

- * The Reward and Recognition Scheme.

Management involvement (P5)

8.20 Managers seek to involve staff in the running of the Area in a variety of ways:

- * team or unit meetings;
- * Whitley Council meetings;
- * Area Sounding Board meetings;
- * Area newsletters; and
- * the use of the shared drive.

8.21 The quarterly newsletters are of a high standard. They contain a mixture of Area and staff-related issues, focusing both on work-related and social issues.

8.22 Managers were generally seen as approachable. Unit meetings are held monthly and the minutes placed on notice boards. In addition managers hold ad hoc team meetings. We found that staff are generally aware of what is happening in their own unit, but their appreciation of an Area perspective could be better.

8.23 The CCP and ABM regularly visit the various offices and hold meetings with staff. As these are outside the normal management lines of communication, they provide a valuable opportunity to engage with staff, explain their vision and plans for the Area and seek feedback and ideas.

<p>Strengths</p>

- | |
|--|
| <ul style="list-style-type: none">* The high quality of the Area newsletter. |
|--|

Good employment practice (P6)

8.24 The Area complies with the corporate CPS employment policies. Staff are aware of the various family-friendly policies and generally confident that they can discuss such issues with their managers. They feel that their personal circumstances and working preferences are given proper consideration.

8.25 The Area has a policy on granting leave and flexi-days. Staff were satisfied that access to both flexi and annual leave was on an equitable basis.

8.26 Sickness levels are monitored and are not regarded as a matter of concern. Managers have also been provided with training on absence management.

8.27 The 2004 CPS staff survey revealed a 69% staff satisfaction level within the Area. Some opportunities for improvement were identified and these will be addressed in consultation with the Trade Unions.

Equality and diversity (P7)

- 8.28 The Area has a diverse work force – 4.51% from the minority ethnic community (benchmark within local working community of 4%) and 64.1% women (local benchmark 47%). On disability, the position is not so good, with only 3.48% of the work force being registered disabled (local benchmark 16.6%).
- 8.29 Staff are aware of the corporate policy on “Dignity at Work”, and felt able to raise issues with managers.
- 8.30 The Area has sought to ‘mainstream’ the Equality and Diversity Policy within its ABP and decision-making. Within the Area, the Equality and Diversity Committee - which includes representatives from other agencies - takes the lead on developing policy and it’s practical implementation.
- 8.31 Under the Race Relations (Amendment) Act 2000, the Area is under an obligation positively to promote race relations and has adopted the CPS national policy. Our observations on site confirm the Area has a framework of strategies in place to meet these obligations, and these are embedded in Area and Unit Business Plans. However, we are concerned that not even Unit Heads have a working knowledge of the legislation. We think that staff need to be aware that the elimination of unlawful discrimination and the promotion of race equality are now enforceable by specific legislation. This is an issue for management attention.

Health and safety (P8)

- 8.32 The Area is pro-active in addressing concerns about accommodation at the various offices. Each of the offices has identified staff responsible for health and safety; checks are periodically carried out and action taken when appropriate.
- 8.33 Lawyers expressed concerns about the need to carry heavy bags to court, some of which have stairs to negotiate, or do not have car-parking facilities. Enquiries have been made about the provision of a courier service, but because of the location of the offices and courts, the present budgetary constraints mean that it is not considered economically viable. We think that Area managers must ensure that resource restraints do not result in minimum safety standards not being met, and should therefore carry out a formal health and safety check on file transportation.
- 8.34 Assessments to confirm compliance with the Code of Practice for Information Security (BS7799), adopted by CPS nationally, have been carried out and the findings are with CPS Headquarters for quality assurance. Once feedback has been received, an action plan will be drawn up to deal with the issues identified.

Aspects for improvement

- * A review should be carried out of the policy for transportation of files to court to ensure all health and safety considerations have been addressed.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 The ABM is responsible for the overall management of the budget and reports to the CCP and AMT. The ABM, in conjunction with the Unit Heads and UBMs, carries out day-to-day monitoring and prepares the various financial management reports. All relevant staff have received financial management training.

Adherence to financial guidelines (MFR2)

- 9.2 Written financial delegation has been issued to all appropriate staff. Decisions on the allocation of resources are approved by the AMT, which receives monthly budget reports.
- 9.3 All transactions are carried out in accordance with current financial guidelines.

Budgetary controls (MFR3)

- 9.4 The Area has sound systems for projecting and controlling expenditure. In the financial year 2003-04, the Area underspent by 1.6% (£83,253 on its budget of £5,216,349).
- 9.5 However, the budget allocation for the financial year 2004-05 is less than for 2003-04. On current expenditure plans, this would result in the Area overspending by 3.9%, or approximately £250,000, if the budget is confirmed. The Area has drawn up contingency plans to ensure it comes within budget. This is prudent financial management.

Management of prosecution costs (MFR4)

- 9.6 Systems are in place to ensure that the use of counsel agents in the magistrates' courts is covered under the appropriate heads of the budget.
- 9.7 The payment of counsel through the graduated fee scheme is operating satisfactorily; we found no backlogs of any significance. We also found evidence of case management plans being completed for high cost cases.

Value for money approach (MFR5)

- 9.8 The AMT makes the key financial decisions for the Area. Where there are competing demands for resources, it considers which represent best value for money. The current financial and performance management regimes allow the AMT to assess accurately the resources available, costs incurred, future liabilities and expected outputs.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 Partnerships with other agencies within the local criminal justice system (CJS) are strong. There is a framework of inter-agency protocols in place governing operational issues. Liaison at all levels, especially senior, is good. The Area actively participates in the Sussex Criminal Justice Board (SCJB) and its working groups, with the new CCP taking a positive lead.
- 10.2 Problems exist with the over-listing of summary trials and the Area is currently in dialogue with the courts to resolve this. The Narey arrangements with the police and courts continue to work effectively and agreements exist over the number of courts suitable for a designated caseworker to prosecute.
- 10.3 Progress towards co-location with police has been partially successful. A stumbling block has been the failure to secure funding at Chichester for suitable accommodation to create a co-located unit. In the existing co-located units, progress towards effective joint working and the realisation of the benefits envisaged by co-location has not been uniform across the Area.
- 10.4 Progress in the Brighton CJU has been good, with effective joint working and the benefits that accrue, but this contrasts sharply with Eastbourne CJU.
- 10.5 The police and CPS carried out the planning for a shadow pre-charge advice jointly. Shadow charging is currently provided at five sites across the Area. Some teething problems have remained, for example, some of the weak cases should have been screened out by the police, so that the right cases received the attention they require. There are also issues concerning the re-submission of files for advice before police officers have completed the work requested of them during an initial advice.
- 10.6 Despite this, a positive attitude exists on both sides to make the scheme effective. Steps are now in hand to revise current procedures to enable the move to be made towards the statutory scheme and meeting the new requirements.

RECOMMENDATION

The AMT should discuss with the police a joint review of processes in the co-located units so that the further benefits from co-location can be realised.

Improving local CJS performance (CR4)

- 10.7 Criminal justice partners see the Area as being committed to improving performance across the CJS. The CCP provides a strong and visible lead and the CPS is represented at several levels of the SCJB. However, unsatisfactory case management can undermine these efforts.

Information technology (P&R2)

- 10.8 Compass has been fully installed in the Area and is used for all aspects of casework. The Area managers themselves would like to make better use of the management information systems in MIS to check that staff use Compass properly. They are hampered by a lack of expertise within the Area, and have been seeking assistance from CPS Headquarters.
- 10.9 A secure email system exists across the CJS and is fully utilised by the Area for communicating with the police and courts.

Buildings, equipment and security (P&R3)

- 10.10 The Area's accommodation is generally satisfactory, although the provision for administrative staff at Crawley Police Station is cramped when compared to other offices in the Area and in some other parts of the country. We appreciate that there are constraints on available space; co-location has generally resulted in some extra pressures on space, but the Area is adopting a pragmatic approach to resolve any local difficulties.
- 10.11 The security and safety of staff is protected by access controls at each of the Area offices. A clear desk policy is in place, but owing to pressures on space and the lack of storage, it is not always adhered to. This requires management attention.

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

- 10.12 Good working relationships exist with both CPS Headquarters and the Service Centre.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The Sussex Criminal Justice Board is an effective forum for discussing the policies and strategies of all the CJS partners and has provided a formal structure for addressing cross-agency issues. The Area is working successfully with other agencies and court users on a range of policies to improve performance across the criminal justice system as a whole.

Performance measurement (P&S2)

- 11.2 The Area collects data on case outcomes and Area targets in a standard national format. Monthly performance reports are produced that enable managers to assess current performance and the deployment of resources.

Review (P&S3)

- 11.3 The Area keeps its policies under review through the AMT or dedicated project teams, both at Area and unit level. Area managers are fully involved in the operational business, and are aware of problems as they manifest themselves at local level. However, the Area would benefit from more systematic post-implementation or ongoing evaluation of change initiatives, such as Direct Communication with Victims, shadow charging and co-location.

Aspects for improvement

- * The systematic evaluation of change initiatives.

Framework of key processes (P&S4)

- 11.4 Area policy and strategy is set out in the Area Business Plan. This was drawn up by the AMT and several key members of staff at a one-day planning event. While other members of staff were invited to comment on a draft of the Plan, the Area will benefit from the participation of UBMs and other managers. The Plan is supplemented by Unit Plans, which both support it and give a clearer focus at a local level.

Communication and implementation (P&S5)

- 11.5 Progress on the implementation of the Area Business Plan is reviewed by the AMT throughout the year.
- 11.6 Information to staff is cascaded through the management chain and through various groups and Area publications.
- 11.7 Use is also made of email to ensure that all staff receive information. This is not normally done on a mass circulation basis, but the information is filtered and attention drawn to the important issues.

Strengths

- * The filtering of information by Unit Heads to ensure that important issues are highlighted.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 In the 12 months commencing 1 April 2003, 88.7% of the response to complaints was made within the national standard of ten days. The national average for the same period was 86.1%. Generally, the quality of responses was reasonable, but several used standard paragraphs that were not tailored to the complainant's level of understanding, or were overly legalistic.
- 12.2 The standard and maintenance of complaint logs vary across the Area, for example, some logs contained only copies of the replies, but not the original complaint. None of the logs record the nature of the complaint, or whether it was upheld.

Aspects for improvement

- * The Area should review the operation of its complaints logging to ensure copies of all complaints are held in the log and that all useful information is captured.

Minority ethnic communities (CR5)

- 12.3 The Area is actively engaging with representatives of minority ethnic communities, and this is paying dividends in terms of its impact and profile in the CJS and beyond. It was apparent from our inspection that the CCP and a few other individuals have been largely responsible for this aspect of the Area's work. The Area Equality and Diversity Champion, who sadly passed away recently, won considerable respect for her real contribution to equality and diversity issues in the community, and her absence is noticeably felt within the CPS and by other agencies.

Strengths

- * The Area's engagement with the local minority ethnic communities.

Safeguarding children (CR7)

- 12.4 The Area does not have links with local Area Child Protection Committees.

Aspects for improvement

- * The Area should provide an appropriate level of liaison with Area Child Protection Committees.

Community engagement (CR6 and SR1)

- 12.5 The Area has made a significant commitment to engaging with the community, but it is currently focused at senior level. The challenge will be to involve a wider number and range of staff in community engagement.

Media engagement (SR2)

- 12.6 The CCP holds regular briefings for the media, and Unit Heads also engage with the media, particularly in relation to high-profile cases and local initiatives. Training has been provided to the Unit Heads to assist with this aspect of their role. The Area has also worked closely with the police in this regard, and some briefings are done jointly.

Public confidence (SR3)

- 12.7 The Sussex Criminal Justice Board has appointed a Public Confidence Co-ordinator. There is still work to be done on a common approach to measure the impact of individual agencies' efforts to improve public confidence. The Board is targeting the awareness of staff within the CJS as a step towards building public confidence, but our inspection revealed a very low level of understanding of the work of the Board and related targets and initiatives, which the Area will need to address if it is to play its part in taking forward the Board's agenda.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 The Area has a strong commitment to teamwork and this is illustrated by the willingness of staff to help each other out. While opportunities exist for staff to have a wider involvement in Area-wide work, those we consulted were not always aware of the Area perspective, with their focus being at the unit and team level. The separate locations and the lack of day-to-day interaction between units exacerbates this issue.

Aspects for improvement

- * Staff awareness of an Area perspective.

Staff recognition (L&G2)

- 13.2 Formal feedback on the performance of individual members of staff is provided in annual appraisal reports. In addition, good performance is formally acknowledged through the staff recognition scheme.
- 13.3 The majority of staff feel that managers are supportive and good at motivating them and recognising achievements, although some managers are seen as better than others in this regard.

Management structure (L&G3)

- 13.4 In the last six years the Area has had four different CCPs and two ABMs, which must be borne in mind when assessing the effectiveness of the governance of the Area.
- 13.5 The AMT meets monthly and acts as the key decision-making body for the Area for both operational and strategic decisions. It comprises the CCP, ABM and the Unit Heads and is a cohesive and supportive group.
- 13.6 Each unit has a management team, comprising the Unit Head and Unit Business Managers. The Unit Management Teams also meet monthly to deal with operational issues raised by the AMT and to inform future decisions by them. They comprise all the managers and have a joint responsibility for the performance of the unit as a whole.
- 13.7 Although UBMs are not included in the AMT, the ABM represents their views and opinions. Regularly monthly meetings are held between the ABM and UBMs to discuss operational and strategic issues.

Organisational structure (L&G4)

- 13.8 The current organisational structure of CJUs and TUs has evolved in response to the 1997 Glidewell Review of the CPS in order to bring a greater focus to Crown Court casework.

- 13.9 The failure to secure funding for co-location at Chichester has led to a brigading together of the CJU and TU into a Combined Unit and there are, in fact, some advantages to this arrangement. The introduction of the shadow pre-charge advice scheme has brought the two sections of the unit closer together, because of the need for TU lawyers to cover some pre-charge advice sessions and magistrates' courts hearings.
- 13.10 The present locations of the units are not best suited to meet new business needs generated by the pre-charge advice scheme. The AMT is aware of this and is in negotiations with the police on how best to re-configure its structure before the scheme becomes statutory.

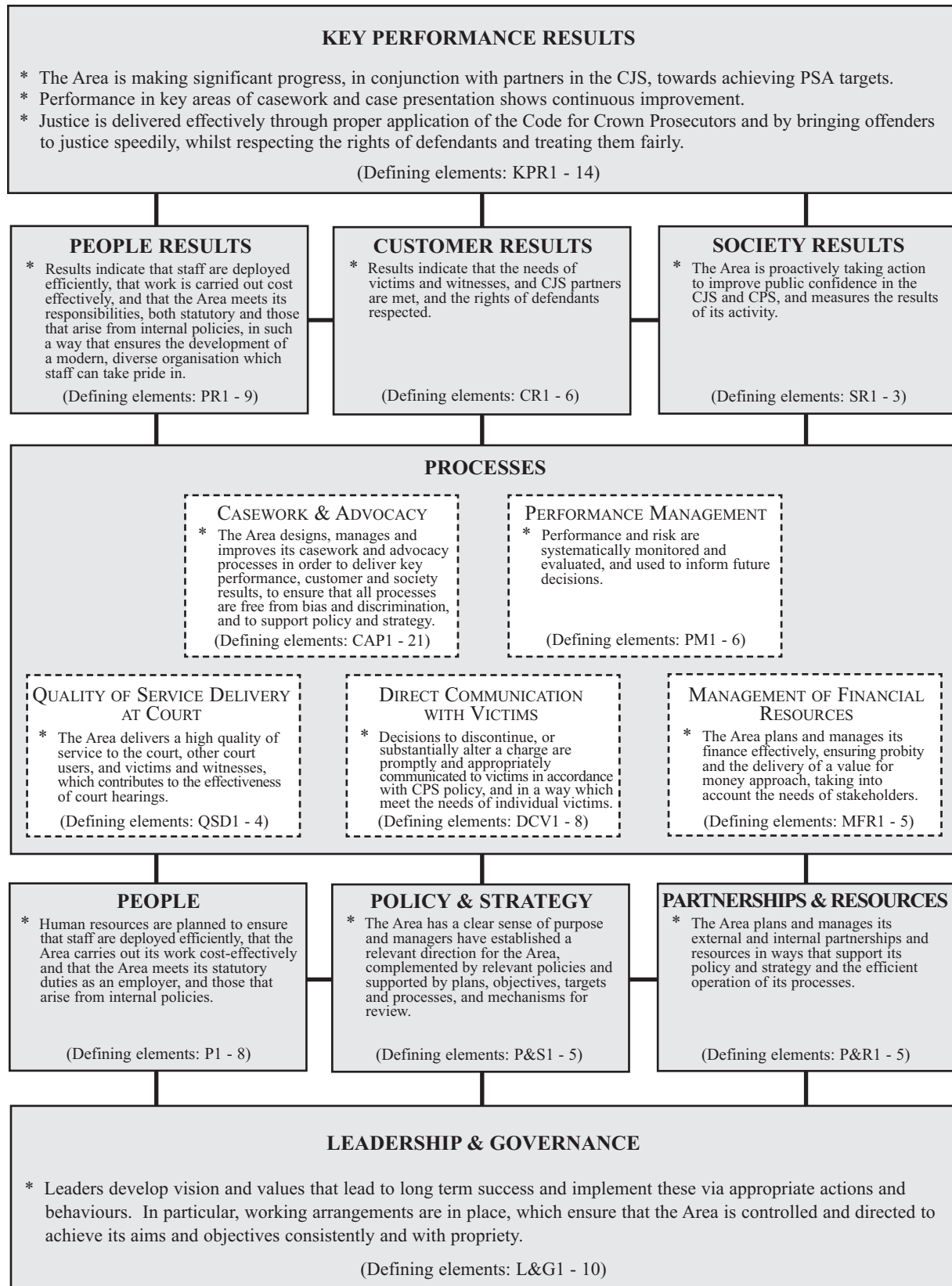
Action plans (L&G5)

- 13.11 The Area Business Plan includes a detailed Action Plan for meeting business objectives. It identifies key issues and strategic priorities and, as already mentioned, these are cascaded down to unit level through their own Unit Business Plans.

Criminal justice system co-operation (L&G6)

- 13.12 Key to achieving the aims of the CJS are the initiatives set out in the Sussex Criminal Justice Board Delivery Plan. They cover all aspects of the CJS process and include cross-agency working. The priorities, targets, responsibilities, actions and monitoring mechanisms in each are clear. The CPS contributes to all these initiatives with resources being made available to allow full participation.
- 13.13 The Area has a high profile in the SCJB, re-inforced by the arrival of the new CCP. There is also appropriate CPS representation on the Delivery Group and the various working groups.

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)

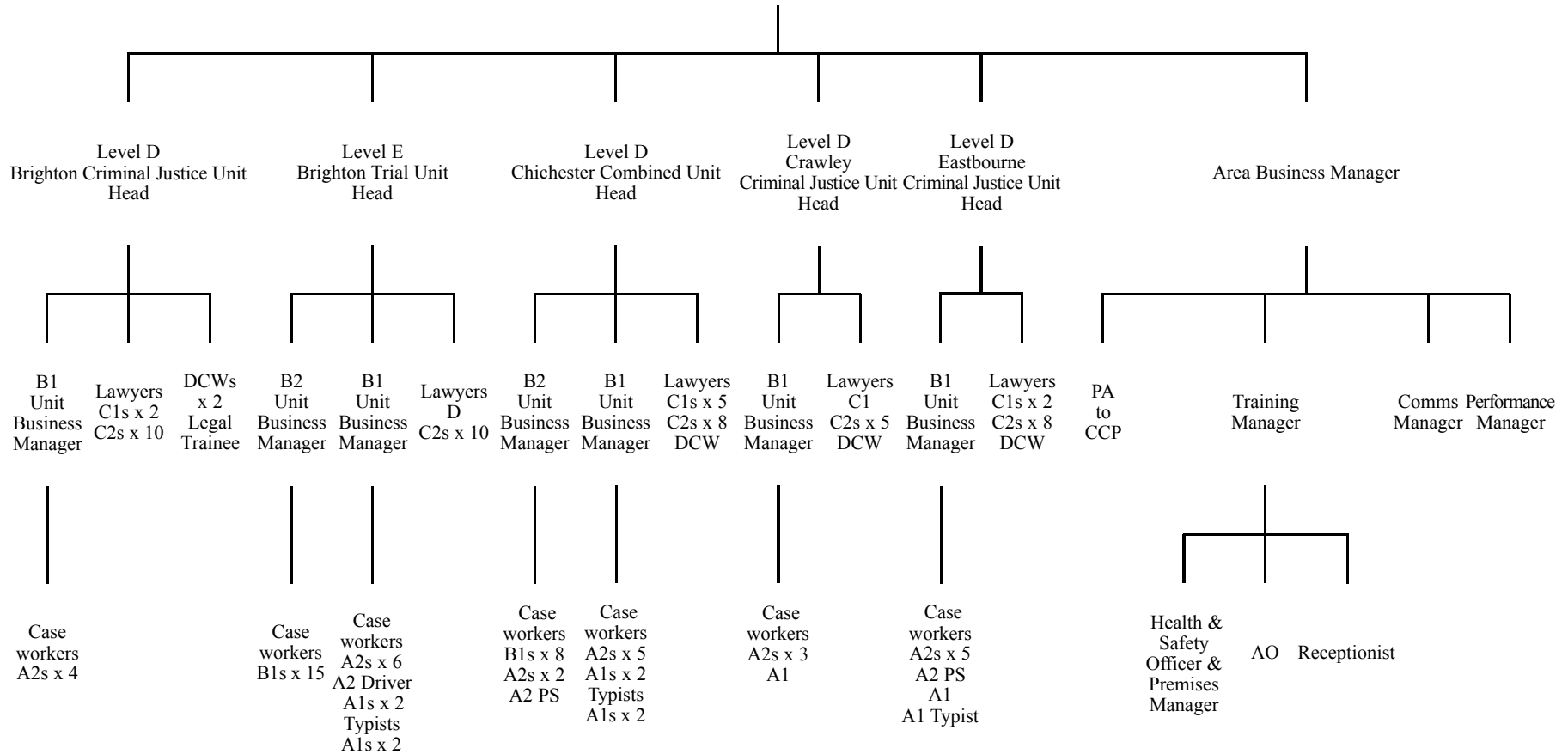
Standard: effective plans of action, which identify key issues, and which reflect CPS and CJS strategic priorities, and local needs, are in place.

Criminal justice system co-operation (L&G6)

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

CPS SUSSEX STAFF STRUCTURE

CHIEF CROWN PROSECUTOR



AREA CASELOAD FOR YEAR TO MARCH 2004

Types of case - Magistrates' Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Advice	6,523	21.6	194,928	12.4
Summary motoring	2,480	8.2	273,949	17.4
Summary non-motoring	10,945	36.2	563,024	35.7
Either way & indictable	9,473	31.3	525,345	33.4
Other proceedings	824	2.7	17,225	1.1
Total	30,245	100	1,574,471	100

Completed cases - Magistrates' Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Hearings	16,634	72.6	1,011,743	74.3
Discontinuances	2,846	12.4	165,198	12.1
Committals	2,008	8.8	100,490	7.4
Other disposals	1,410	6.2	84,884	6.2
Total	22,898	100	1,362,315	100

Case results - Magistrates' Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Guilty pleas	14,586	86.3	800,525	78.1
Proofs in absence	939	5.6	152,757	14.9
Convictions after trial	944	5.6	52,201	5.1
Acquittals: after trial	344	2.0	15,997	1.6
Acquittals: no case to answer	84	0.5	3,053	0.3
Total	16,897	100	1,024,533	100

Types of case - Crown Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Indictable only	561	22.5	40,200	31.7
Either way: defence election	223	9.0	13,037	10.3
Either way: magistrates' direction	983	39.5	41,997	33.1
Summary: appeals; committals for sentence	721	29.0	31,609	24.9
Total	2,488	100	126,843	100

Completed cases - Crown Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	1,443	81.7	78,698	82.6
Cases not proceeded with	271	15.3	13,377	14.0
Bind overs	7	0.4	981	1.0
Other disposals	46	2.6	2,171	2.3
Total	1,767	100	95,227	100

Case results - Crown Court	CPS Sussex		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,068	71.9	59,537	73.6
Convictions after trial	245	16.5	13,119	16.2
Jury acquittals	146	9.8	6,652	8.2
Judge directed acquittals	26	1.8	1,538	1.9
Total	1,485	100	80,846	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS SUSSEX		
	June 2004	August 2002
Lawyers in post (excluding CCP)	52.9	40.7
Cases per lawyer (excluding CCP) per year	571.7	640.9
Magistrates' courts contested trials per lawyer (excluding CCP)	25.9	26.8
Committals for trial and "sent" cases per lawyer (excluding CCP)	38	44.1
Crown Court contested trials per lawyer (excluding CCP)	7.9	10.5
Level B1, B2, B3 caseworkers in post	36	27.3
Committals for trial and "sent" cases per caseworker	55.8	65.7
Crown Court contested trials per caseworker	11.6	15.6
Running costs (non ring fenced)	£5,133,096	£4,651,065

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 JUNE 2004
R1	<ul style="list-style-type: none"> * The CCP and Unit Heads ensure that advice is provided to the police within the nationally agreed time guidelines; * Lawyers record informal advice and send a copy of the advice to the police; and * Lawyers consider having a face-to-face conference with police before providing advice in complex and/or serious cases. 	Partially achieved. Shadow charging has overtaken some of the actions required, but we note that timeliness of written advice remains an issue.
R2	The CCP ensures that appropriate and effective continuing review of cases is undertaken.	Partially achieved. Review for summary trials is below the national performance in the cycle-to-date and, in a third of summary trial preparations, appropriate requests for further information had not been made. Decision-making in Crown Court cases is similar to the national performance, but there is also a need to get a grip of issues as soon as possible.
R3	Area managers ensure that prosecutors undertake timely and effective consultation with police over proposed decisions to discontinue cases.	Achieved. The lack of consultation is the exception rather than the rule now.
R4	Prosecutors make a full record of all review decisions.	Partially achieved. The position at the magistrates' courts stage is still unsatisfactory, at 53.7%, while the position at Crown Court, at 89.3%, is much better.

	RECOMMENDATIONS	POSITION IN JUNE 2004
R5	<p>Area managers:</p> <ul style="list-style-type: none"> * continue discussions with representatives of the other criminal justice agencies, in order to tackle the issues causing delay; * implement all good practice identified in joint inspection reports unless there are specific reasons why not; and * ensure that the CPS Youth Progression Officers monitor the progress of current cases. 	<p>Partially achieved.</p> <p>Work is ongoing and case progression and case management remain key issues for the Area.</p> <p>CPS Youth Progression Officers are pro-active and the progression of persistent young offender cases in the Area is a strength.</p>
R6	<p>Unit Heads ensure that prosecutors comply with the CPS domestic violence policy, in particular the requirement to explore the reasons behind any retraction.</p>	<p>Partially achieved. Compliance is not always the case, and decisions to issue summons can appear to be an automatic response to witness problems.</p>
R7	<ul style="list-style-type: none"> * Unit Heads liaise with the police so that advance disclosure packages are provided in every case. * Prosecutors ensure that a record of what is served as advance information is kept in all appropriate cases. 	<p>Achieved.</p> <p>This is done in the vast majority of cases. Failures are more common with files that use jackets without the advance information provision.</p>
R8	<p>The lawyer in the case properly undertakes the duties of disclosure in relation to sensitive material, and records all decisions.</p>	<p>Achieved. There has been significant improvement from last inspection, particularly in recording decisions.</p>
R9	<p>The CCP and Unit Heads seek with the Magistrates' Courts Service an Area-wide initiative to reduce delay in setting trial dates in the magistrates' courts.</p>	<p>Not achieved. The magistrates' courts were using multiple listing to cut down on delays in setting trials. This caused problems for the CPS and parties are re-negotiating a solution.</p>
R10	<p>Area managers implement a system to ensure that all necessary action has been taken - or remedial work carried out - on summary trials, thereby enabling the prosecution to be trial ready.</p>	<p>Not achieved. The ineffective summary trial rate remains high, although the CPS is not responsible for this in the majority of cases.</p>

	RECOMMENDATIONS	POSITION IN JUNE 2004
R11	<p>The CCP ensures that:</p> <ul style="list-style-type: none"> * the preparation of committal papers is monitored, in order to identify any problems, and take any necessary action; * a register is maintained in all units of cases discharged because the prosecution is not ready to proceed, and the CCP receives a monthly return from each unit; and * structured arrangements are in place to deal with the handling of cases which have been discharged, including decision-making in relation to re-instatement. 	Achieved. The Area has a formal system to monitor discharged committals, although more work is needed with the police to develop a protocol on post-discharge roles, responsibilities and timetable.
R12	<p>The Heads of the Trial Units ensure:</p> <ul style="list-style-type: none"> * timely preparation of case papers; and * timeliness of any applications for extensions. 	Achieved. Not an issue in the Area now.
R13	<p>The CCP uses all necessary measures to ensure that prosecutors complete all appropriate TQ1s in relation to full files on a census or exception basis, as agreed with the police.</p>	Not achieved. TQ1 return rate remains low, and the effectiveness of joint performance management in the Area is questionable.
R14	<p>The Heads of the Trial Units ensure that instructions to counsel contain a summary that deals with the issues in the case and an indication of the acceptability of pleas.</p>	Not achieved. This remains an issue in the Area.
R15	<p>The ABM reviews custody time limit monitoring procedures, and applications for extensions, to ensure that common systems based on good practice are used across the Area.</p>	Partially achieved. The Area implemented a robust CTL monitoring system which, in several respects, exceeded the national guidance. However, some staff do not comply with the new procedure.

	RECOMMENDATIONS	POSITION IN JUNE 2004
R16	Unit Heads ensure that they are in a position to form their own judgements on the quality of advocacy of their lawyers and designated caseworkers for performance appraisal purposes, and that immediate structured feedback is given.	Achieved. Unit Heads conduct in-house advocacy monitoring.
R17	The CCP and ABM review and agree the roles, responsibilities and functions to be carried out by the Secretariat and ensure it is adequately resourced in terms of staff numbers and skills.	Achieved. The Secretariat has been restructured with specific responsibilities allocated to individuals.
R18	<p>The Area Management Team upgrades its efforts to implement an effective system to monitor and improve performance. The system should define:</p> <ul style="list-style-type: none"> * the key issues (including non-casework) that need to be measured, and the frequency of provision; * the responsibilities for the provision and analysis of accurate data; * a user-friendly means of distributing Area-wide performance information; * a formal system for planning and implementing improvements (the preliminary work on the Business Excellence Model may provide direction); and * the means by which local problems can be effectively addressed. 	Partially achieved. An effective performance-monitoring regime has been put in place that focuses on the performance of the units with details being made available to all staff. However, while good practice is identified, the Area lacks a strategy for continuous improvement.
R19	The ABM implements a more robust system for reconciling spend against management reports.	Achieved. The Area now has good control over its finances.

	RECOMMENDATIONS	POSITION IN JUNE 2004
R20	The Area Business Manager reviews arrangements for engaging external consultants or suppliers of services.	Achieved. All contracts let in accordance with current procurement regulations.
R21	The Area Business Manager/TU Heads review the systems for fee payments to ensure that counsel are paid promptly and accurately, with appropriate, accessible records maintained.	Achieved. Unit Business Managers monitor the process and ensure that fees are paid promptly and accurately.
R22	The Chief Crown Prosecutor seeks to agree with the Justices' Chief Executives a mutually acceptable Area-wide schedule of court sessions, taking account of the light lists that exist in some of the courts.	Partially Achieved. A draft protocol on court listing is under consideration.
R23	<p>The Area Business Manager develops a formal staffing strategy taking account of:</p> <ul style="list-style-type: none"> * new budgets, including the continuing impact of the pay settlement; * Glidewell structures; * the use of caseworkers in handling pre-committal work; * re-distribution of caseload, including any changes brought about by amendments to listing practices; and * known changes to staffing levels as a result of the new management positions, sickness, maternity leave etc. 	<p>Partially Achieved. A formal staffing strategy has been put in place to ensure staff deployment meets needs and budgetary constraints.</p> <p>The use of caseworkers pre-committal still needs addressing.</p>
R24	The Area Business Manager ensures that the systems for moving files between units and court rooms complies with CPS security policies.	Achieved. The Area no longer use a courier service and relies on staff to transport files. Staff have raised concerns over health and safety implications, but not file security.

	RECOMMENDATIONS	POSITION IN JUNE 2004
R25	<p>The Area Business Manager implements a consistent system of handling complaints which ensures that:</p> <ul style="list-style-type: none"> * responses are timely in accordance with CPS guidelines; * replies deal with the issues raised without over reference to the Code for Crown Prosecutors; * it is simple to track the progress and outcome of a complaint; and * lessons are learnt and promulgated to all staff. 	Partially achieved. Timeliness and quality of some responses has improved, but more work needs to be done with the Complaints Log to achieve the last two points.
	SUGGESTIONS	POSITION IN JUNE 2004
S1	Unit Heads ensure that a record is kept of orders made at plea and directions hearings, any action taken in compliance, and the date when that compliance occurs.	Not achieved. There was no evidence that this is being done, and compliance with plea and directions hearing orders remains an issue in the Area.
S2	A record of material to assist the preparation of pre-sentence reports, and the date it is provided to the Probation Service, is kept in all appropriate cases.	Partially achieved. Good performance in Crown Court cases, but performance is patchy in magistrates' courts cases.
S3	The Area Management Team adopts a structured monitoring system of counsel in the Crown Court.	Not achieved. Monitoring is not being carried out.
S4	Unit Heads implement an automated system for recording attendance, using the Connect 42 system.	Not achieved. The Area uses a manual flexi-time system, with staff clocking in and out.
S5	Unit Heads ensure that staff who change roles are given new formal objectives within one month of the move.	Achieved. Staff who change jobs are normally given formal objectives within a month.

TOTAL NUMBER OF FILES EXAMINED FOR CPS SUSSEX

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	6
No case to answer	5
Trials	19
Discontinued cases	25
Race crime	(9)
Domestic violence cases	(28)
Youth trials	7
Cracked trials	9
Ineffective trials	5
Cases subject to custody time limits	5
Crown Court cases/TU:	
Advice	7
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	25
Judge directed acquittals	8
Trials	28
Child abuse cases	(8)
Race crime	(9)
Cracked trials	13
Ineffective trials	1
Rape cases	(9)
Street crime cases	(7)
Cases subject to custody time limits	6
TOTAL	169

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

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

Crown Court

His Honour Judge Scott-Gall
His Honour Judge Sessions
His Honour Judge Thorpe
Mrs J Cave, Court Group Manager
Mr J Betts, Crown Court Manager
Mr D Manning, Crown Court Manager
Ms M Robinson, Listing Officer

Magistrates' Courts

District Judge Arnold
District Judge Tain
Mr D Brown JP, Chair of Magistrates' Courts' Committee
Mrs D Anthony JP, Northern Division Youth Panel Chair
Mr C Gebbie JP, Central Division Youth Panel Chair
Mrs M Hamilton JP, Northern Division Bench Chair
Mrs J Mayall JP, Northern Division
Mrs J Parkes JP, Eastern Division Youth Panel Chair
Mrs R Titley JP, Western Division Bench Chair
Mrs B Youatt JP, Western Division Youth Panel Chair
Mrs A White JP, Central Division
Mr P Vahey, Director of Legal Services
Mr D Bathurst, Divisional Legal Manager

Police

Mr K Jones QPM, Chief Constable
Detective Chief Superintendent G Cox
Chief Superintendent D Barton
Chief Superintendent P Curtis
Chief Superintendent D Gaylor
Inspector D Natolie
Inspector C Poole
Head of Operational Support, National Crime Squad

Defence Solicitors

Mr T Brookes
Mr A Loader
Mr D Osborne

Counsel

Lord Carlile of Berriew QC
Mr J Gold QC
Mr A Hacking QC
Mr C Miskin QC

Probation Service

Mr B Clark, Chief Officer of Probation

Witness Service

Ms F Amos
Ms E Trichkova

Victim Support

Mrs N Dickins
Mr A Goodwin

Youth Offending Teams

Mr J Hawkins
Mr N Lewis

Community Groups

Mr S Cole, ASBO Solicitor, Partnership Community Safety Team
Mr E Mandala, Community Safety Officer, Brighton and Hove City Council
Ms S Otoo, Policy Co-ordinator, Racial Harassment Forum
Mr M Sohna, Racial Harassment Advocate, Partnership Community Safety Team

Local Criminal Justice Board

Ms C Hinge
Ms M Ralfe

Members of Parliament

Mr N Baker MP
Mr M Foster MP
Mr C Hendry MP
Ms L Moffatt MP
Mr N Waterson MP

Other Members of Parliament with constituencies in Sussex were invited to contribute.

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:

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| 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 HMCPSP 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