

THE INSPECTORATE'S REPORT ON CPS WARWICKSHIRE

REPORT 17/01

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) was established by the Crown Prosecution Service Inspectorate Act 2000, which came into effect on 1 October 2000, as an independent statutory body. Previously, the Inspectorate had been a unit within the Crown Prosecution Service (CPS) Headquarters. The Chief Inspector is appointed by and reports to the Attorney General.

HMCPSI's role is to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice. It achieves this primarily through an Area inspection programme operating a two-year cycle during which it visits and publishes reports on each of the 42 CPS Areas and the Casework and Policy Directorates at CPS Headquarters. It also maintains a programme of thematic reviews and each year conducts a number of inspections jointly with other criminal justice inspectorates.

Although the inspection process focuses mainly on the quality of casework decision making and casework handling, the Inspectorate also looks at matters that go to support the casework process. Business management inspectors are specialists in the fields of management, human and financial resources, and corporate planning; they examine aspects of the Areas' performance based on themes relating to management and operations; these are in addition to the more casework-orientated themes that are examined by legal inspectors.

HMCPSI also invites suitably informed members of the public nominated by national organisations to join the inspection 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 victims and witnesses, its external communication and liaison, its handling of complaints and its applications of the public interest test contained in the Code for Crown Prosecutors.

HMCPSI has offices in London and York. The London office has two groups which undertake Area inspections in the Midlands and Wales, and in Southern England. The group based in York undertakes Area inspections of Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPSI is likely to be conducting six Area inspections and two thematic reviews, as well as joint inspections with the other criminal justice inspectorates.

The Inspectorate's reports commend high quality work, identify good practice and make suggestions and recommendations where CPS performance needs to be improved. The distinction between recommendations and suggestions lies in the degree of priority that HMCPSI considers should be attached to the proposals, with those matters meriting highest priority forming the basis of recommendations.

INTRODUCTION

- 1.1 CPS Warwickshire serves the Area covered by Warwickshire Police; it has one office at Leamington Spa. On 30 July 2001 it employed the equivalent of 30.6 full time members of staff, including six who were part time: the Chief Crown Prosecutor (CCP); the Area Business Manager (ABM) and 1.6 other administrative staff; 10 other lawyers; two designated caseworkers (DCWs); 12.5 caseworkers and 2.5 typists.
- 1.2 In 1986 when the CPS was established, the Area formed the Warwickshire Branch of CPS Staffordshire and Warwickshire. When the CPS reorganised in 1993, it became the Warwickshire Branch of CPS West Midlands. With the latest reorganisation in April 1999, Warwickshire became an Area with its own CCP for the first time.

Staffing and structure

- 1.3 The Area has restructured from two teams, each dealing with both magistrates' and Crown Court casework, into two Units, one dealing with all the magistrates' courts casework and the other with the Crown Court casework. The Magistrates' Court Unit (MCU) consists of 8.4 lawyers, two DCWs and 8.5 caseworkers. The Unit handles cases in the county's five magistrates' courts at Atherstone, Mid-Warwickshire (which sits at Leamington Spa), Nuneaton, Rugby and South Warwickshire (which sits at Stratford-upon-Avon). The Crown Court Unit (CCU) consists of 1.6 lawyers and five caseworkers. There is one Crown Court at Warwick.

Caseload

- 1.4 In the year ending 30 June 2001, the Area dealt with 8,224 defendants in the magistrates' courts and 595 defendants in the Crown Court. This includes 305 committals for trial, representing 3.8% of the Area's caseload, compared with 6.6% nationally. The Area gave the police advice before charge in a further 754 cases.
- 1.5 The casework figures for the same period suggest that the Area had a smaller proportion of serious cases compared with the national average. The breakdown of the Crown Court case load is as follows:

	Warwickshire	National
Indictable Only cases	20.7%	24.8%
E/W Defence Election	4.7%	14%
E/W Magistrates' Direction	30.6%	33.3%
Appeals	12.9%	10.9%
Committals for sentence	31.1%	17.1%

- 1.6 The casework figures also suggest that, overall, the Area's judgement-making quality was very good. The conviction rate (which includes guilty pleas and proofs in absence as well as convictions after trial) was above the nation average in the magistrates' courts (99.3%/98.3%) and significantly above the national average in the Crown Court (96.0%/87.8%). The acquittal rates of those cases which proceed to trial in the magistrates' court (0.7%) and in the Crown Court (3.6%) were markedly below the national averages (1.6% and 9.8% respectively).

The inspection process

- 1.7 The inspection team comprised two legal inspectors, a business management inspector and a casework inspector. We examined a total of 151 cases. Details of the file sample can be found at Annex 1. The Area caseload and correspondingly small file sample means that one or two cases can substantially influence percentages. Our conclusions have been careful to reflect the totality of evidence in circumstances where statistics may be susceptible to such influence.
- 1.8 The team visited the Area for ten days between 30 July and 16 August 2001. We observed the performance of prosecuting advocates in the magistrates' and the Crown Court and interviewed representatives of the other criminal justice agencies; a list of those who assisted in the inspection appears at Annex 3. We also visited the CPS office to interview members of staff, look at office systems and inspect the complaints register and other records.
- 1.9 A lay inspector, Mrs Jackie Worrall, who was nominated by the National Association for the Care and Resettlement of Offenders, assisted the inspection team. She participated in meetings with local representatives of Victim Support and the Witness Service. She also examined the Area's complaints register and related files. Her findings have been incorporated into the report. Mrs Worrall gave her time on a purely voluntary basis and the Chief Inspector is grateful for her valuable contribution to the inspection process.

Overview

- 1.10 The Area was previously inspected in November 1997 when it was still a Branch of the former CPS West Midlands Area (Report 4/98) and we will refer to that report as the "1998 Report". On our return this year we were pleased to see that the majority of the recommendations from that report had been implemented, although further work is still required on the allocation of advice files and some aspects of instructions to counsel. We will return to these topics later.
- 1.11 The Area has taken some steps towards making the changes required by the 1998 Glidewell report which resulted in the restructuring of the CPS and which recommended that the new CPS areas should be organised into functional units. However, it is the smallest of the 42 Areas and its size was always going to be a factor when the creation of Trial and Criminal Justice Units came to be considered. Shortage of suitable accommodation on the part of the two agencies has, however, so far prevented the co-

location of police and CPS staff in the proposed Glidewell units. The establishment of two Combined Criminal Justice Centres in the north and south of the county should provide that accommodation in a few years time. (We have more to say about these Centres later in the report at paragraph 6.46). Nevertheless, the size of the Area may not necessarily make the creation of separate Trial and Criminal Justice Units the most effective and efficient use of CPS resources.

- 1.12 We found that the quality of casework review was of a consistently high standard. The standard of advice given was also good. Cases were well and promptly reviewed and there was no evidence of delay in progressing cases through the courts. CPS and police are working together to improve the quality of police files and the timeliness of their submission. However, we did have some concerns over the handling of some cases with a racial element and of some of those cases that were discontinued.
- 1.13 Overall, we found that case preparation was generally good, although there were some shortcomings in relation to the quality of instructions to counsel.
- 1.14 The advocacy standards of CPS prosecutors and agents in the magistrates' and HCAs and counsel in the Crown Court was satisfactory.
- 1.15 The Area has close and productive relationships with the other criminal justice agencies. The CPS does, however, have more work to do to raise its profile in the local community, especially with the minority ethnic community.
- 1.16 We comment on the individual aspects of the Area's performance in the relevant chapters of the report. The following tables provide information on the Area's performance against key targets. These are targets that have been set nationally by the CPS or by the Government in support of its objectives.

TABLES OF PERFORMANCE AGAINST MEASURES

CPS PERFORMANCE MEASURES	National target	National outcome	Area Target	Area outcome
Objective: To deal with prosecution cases in a timely and efficient manner in partnership with other agencies	2000–2001	2000–2001	2000–2001	2000–2001
Committal papers sent to the defence within agreed time scales	66%	62.7%	92%	100%
Briefs delivered to counsel within agreed time scales	73%	71%	96%	95.9%
Objective: To ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending by consistent, fair and independent review in accordance with the Code for Crown Prosecutors	2000-2001	2000–2001	2000–2001	2000–2001
Cases dismissed on a submission of no case to answer which is attributable to failure in the review process (self-assessment by CPS)	0.009%	0.008%	0.004%	0.001%
Non-jury acquittals in the Crown Court which are attributable to failures in the review process (self-assessment by CPS)	0.7%	0.6%	0.2%	0.0%
		Inspection cycle 2000-2002		This inspection
Prosecution decisions examined during inspection by HMCPSI as complying with the evidential test as set out in Code for Crown Prosecutors (random sample)	AA	98.5%		100%
Prosecution decisions examined during inspection by HMCPSI as complying with the public interest test as set out in Code for Crown Prosecutors (random sample)	AA	99.83%		100%
Advices given to police and examined during inspection by HMCPSI complying with the tests set out in Code for Crown Prosecutors	AA	96.5%		100%
Discontinuances complying with the tests set out in Code for Crown Prosecutors	AA	92.8%		78.9%
Cases in the adverse sample examined during inspection by HMCPSI, where the outcome was foreseeable, but no remedial action was taken	BB	18.93%		0.0%
Objective: to enable the court to reach just decisions by fairly, thoroughly and firmly presenting prosecutions cases, rigorously testing defence cases and scrupulously complying with the duty of disclosure		Inspection cycle 2000–2002		This inspection
Advocates who fail to meet the CPS standards of advocacy, as assessed by HMCPSI		0.46%		0.0%

	National Target	National Outcome	Area Target	Area Outcome (this inspection)
Cases where the prosecution has properly discharged its duties regarding primary disclosure.	AA	72.73%*		68.2%**
Cases where prosecution has properly discharged its statutory duties regarding secondary disclosure	AA	66.61%*		81.8%**
Objective: To meet the needs of victims and witnesses in the CJS in co-operation with other agencies	2000–2001	Apr 2000 – Mar 2001	2000–2001	Apr 2000 – Mar 2001
% of witness expenses paid within 10 days	100%	97.7%	100%	97.8%
% of complaints replied to within 10 days	89.0%	87.7%	100%	100%
Improving productivity:				
Undisputed invoices paid within terms or 30 days	100%	97.1%***	100%***	95.8%***
Reduce sickness absence rate per member of staff	8.5 days		7.5 days	4.7 days
CITIZENS' CHARTER COMMITMENT				
MPs' correspondence replied to within 15 days	100%	94.0%	100%	100%

* Average performance of all Areas inspected to date in inspection cycle 2000-2002 based on a sample of cases examined and observations at court

** Average performance of sample of cases examined and observations during this inspection

*** Denotes performance of Service centre and is not specific to Area

AA The CPS constantly seeks to improve its performance and to reduce the % of these cases, but had no set targets

BB The CPS undertakes self-assessment (see above) of such cases which are attributable to failures in the review process

CPS PERFORMANCE MEASURES (shared between Home Office, Lord Chancellor's dept and CPS)	National Target	National Outcome	Area Target	Area Outcome
Youth Justice		Quarter ending June 2001		Quarter ending June 2001
To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002	71	73	71	76

PROVIDING ADVICE

- 2.1 Providing advice to the police is an important aspect of CPS casework. Our inspection was primarily concerned with the quality and timeliness of the advice provided. We also examined the arrangements between the CPS and the police for ensuring that the right cases are being submitted for advice and that advice, informally given, is properly recorded.
- 2.2 In the year ending 30 June 2001, the Area provided pre-charge advice in 8.4% of its caseload. The national average for the same year was 3.5%. This has increased since the last inspection when pre-charge advice accounted for 2% of the then Branch's caseload (the national average at that time was 3.3%).

Appropriateness of advice

- 2.3 There is a service level agreement (SLA) between the CPS and police dealing with the provision of advice files to the CPS prior to the institution of criminal proceedings. This came into force on 1 April 2001. This document provides detailed guidance as to what cases should and should not be submitted for advice, the procedure to be followed, and the standards to be observed, in relation both to oral and written requests. This is a clear, comprehensive and helpful document.
- 2.4 We examined ten advice cases and found none where the request for advice was inappropriate. We were told that the police are keen to reduce the number of minor cases submitted whilst increasing early CPS involvement in serious and complex cases. Case handlers in the Judicial Service Office of the police filter advice cases before they are submitted to CPS. This collaborative approach seems to us to be entirely right.
- 2.5 The number of advices given to the police is over twice the national average. In 1997 the Inspectors recommended that all oral advices should be properly recorded and entered in the performance indicators. This recommendation has been implemented and we were able to see, on our inspection, the system now in place for logging oral advices and retaining notes of them. The improved recording of oral advices could be one of the reasons for the increase in overall numbers. Good systems are also in place for ensuring that pre-charge advice is linked to any subsequent files.

Quality of advice

- 2.6 Our sample of ten advice files covered a wide range of cases including an allegation of child abuse, an attempt to pervert the course of justice/intimidate witnesses in relation to an insurance fraud, and a complicated public order incident. All advices were clear, well reasoned, constructive and, where necessary, robust. We were particularly impressed with the detailed analysis of the evidence in a number of cases that were intricate on their facts. The evidential and, where appropriate, public interest Code tests had been properly applied in all ten. We **commend** the quality of the advice work done by the Area.

Timeliness of advice

- 2.7 The CPS nationally has agreed with the police a time guideline for dealing with requests for advice within 14 days from receipt of sufficient information from the police, and this is incorporated into the SLA referred to above. The Unit Heads regularly monitor timeliness of advice. In all ten cases we sampled the advice was given within the 14-day target, a very good performance.

Allocation and monitoring

- 2.8 Cases which are likely to be dealt with in the Crown Court go to the CCU for advice. All others in the MCU, save cases involving allegations against police officers from another Area, which are dealt by the CCP. The remainder are dealt with in the MCU and are allocated to lawyers by the MCU head according to workload and experience. We found that the MCU head did the majority of the advice work himself. We also found from our file sample that in the few files where advice was given other lawyers, he checked the advice provided and so endorsed the file.
- 2.9 In 1997 the Inspectors made a recommendation that advice cases should be allocated more widely, to provide all lawyers with increased opportunities to deal with advice work. Whilst, as already noted, we are more than satisfied with the appropriateness, timeliness and quality of the Area's advices, we remain concerned that the advice work in the Area is still concentrated in too few hands, particularly in the MCU. All lawyers in the CPS should be able to provide advice as part of their continuing development. Given the monitoring which is currently applied we do not believe this need be incompatible with the overall need to provide prompt and accurate advice to the police.
- 2.10 We recommend that the MCU head should allocate advice cases more widely to give all lawyers in the MCU increased opportunities to deal with advice work.**

REVIEWING CASES

Introduction

- 3.1 Prosecutors are under a duty to review all cases received from the police in accordance with the principles set out in the Code for Crown Prosecutors (the Code) and promulgated by the Director Of Public Prosecutions (DPP) under Section 10 of the Prosecution of Offences Act 1985.
- 3.2 The Code requires prosecutors to consider, first of all, whether there is sufficient evidence to afford a realistic prospect of conviction and, secondly, if the evidential test is met, whether circumstances are such that a prosecution would be in the public interest. This review should be carried out as soon as the case is received, and there is a continuing duty to keep the case under review until it is finalised.
- 3.3 Our file sample covered a full range of cases, from pre-charge advice (dealt with in chapter 2) to trials in the Crown Court. It focused especially on categories of cases which consistently attract a high degree of public concern (for example, discontinued cases), or those which tend to be problematic, and may therefore hold important information about the quality of decision-making (for example, judge ordered acquittals).
- 3.4 The inspection process examines the quality and timeliness of legal decision-making at various stages in the progress of the case. It can be difficult to assess the quality of legal decision-making because different lawyers may, for perfectly proper reasons, take different views of the evidential or public interest factors in the same case. Our assessment, therefore, considers whether the decision taken was one which was properly open to a reasonable prosecutor having regard to the principles set out in the Code for Crown Prosecutors and other relevant guidance. A statement that we disagree with a decision, therefore, means that we consider it was wrong in principle; we do not “disagree” merely because the inspector might have come to a different decision.
- 3.5 We also examined other issues such as the level and appropriateness of the charge; ancillary decisions such as representations made at mode of trial or bail applications; the standard of review endorsements; the handling of particularly sensitive categories of offences; and how effective the Area is in ensuring that lessons from cases are shared with all lawyers and caseworkers.
- 3.6 Overall, we found the quality of review was **very good**. Our detailed findings are set out below.

Initial review: quality and timeliness

- 3.7 Under the Narey system of court hearings, prosecutors receive almost all cases the day before the Early Administrative Hearing (EAH) (known in Warwickshire as the Criminal Directions Hearing – CDH) or the Early First Hearing (EFH). If the defendant is kept in custody, the file is made available at court. A few cases will have been subject to advice already, but the great majority will not have been reviewed before. In those cases the initial review decision may be an interim one, pending the completion of further enquiries by the police, or the submission of a full file of evidence. Nonetheless the initial review is important. This is the opportunity to identify those cases where further work needs to be carried out by the police, and to ensure that the accused has been charged with the most appropriate offence. This review is all the more important given the introduction of section 51 Crime and Disorder Act 1998. Under section 51, indictable only cases are “sent” to the Crown Court without committal proceedings, and usually at the first date of hearing.
- 3.8 We examined the quality of the review decision in a random sample of 58 cases, covering proceedings in the magistrates’ courts, youth courts and the Crown Court by way of guilty plea or trial. We considered that the Code evidential and public interest tests were properly applied in all cases. Furthermore, we found that evidential issues in particular were usually endorsed on the file by the first date of hearing (see paragraph 3.29), and that any evidential problems were raised with the police at this early stage.

Selection of the appropriate charges and charging standards

- 3.9 The CPS and the police nationally have agreed charging standards for assaults, public order offences and some driving offences. We examined 24 cases in the random sample where the charging standards applied and found that they were correctly applied in each case. In all 58 cases the final charges reflected the gravity of the offending. This is very good.
- 3.10 Most police charges were correct when preferred. Any amendments that were required were nearly always made at the first reasonable opportunity.

Continuing review

- 3.11 The Area has an above average proportion of cases which result in guilty pleas or which are dealt with as proofs in absence. In the year to 30 June 2001, only 6.7% of cases resulted in summary trial or committal for trial in the Crown Court (nationally 17.2%). All such cases require further consideration after the initial review, for example when the police reply to a request for further enquiries, or when a full file of evidence is supplied prior to summary trial or committal. The same Code test needs to be applied throughout the life of the case. If there is to be a trial, whether summary or indictable, the reviewer will also need to ensure that the evidence supporting the prosecution case is as complete as possible.

Discontinuance

- 3.12 In the year ending 30 June 2001, the Area's discontinuance rate (9.2%) had increased from 8.7% for the year ending 31 March 2001. There was a similar increase in the national average from 12.2% to 13% for the year ending 30 June 2001. Warwickshire has the second lowest discontinuance rate in the country. However, the factors affecting discontinuance are complex. We have recorded a relatively high level of disagreement with the decision to discontinuance in spite of this apparently low level of discontinuance in the Area (see paragraph 3.18). As far as the latter is concerned, one of the striking differences between Warwickshire and nationally, is the low rate of cases failing because victims and witnesses refuse to give evidence. In Warwickshire, the prosecution were unable to proceed because the victim refused to give evidence in only 4% of the cases we examined, which is significantly lower than the average for inspections in our current cycle (13.1%). On the other hand, 59% of the cases that we examined were discontinued on evidential grounds. This is higher than the average for inspections to date (46.2%). Of the cases we examined in Warwickshire, 30% of them were terminated because an essential legal element was missing and 43.3% because of unreliable identification evidence. Both of these figures are a great deal higher than the average for inspections in our current cycle which stand at 20.9% and 10.4% respectively. (See paragraph 3.15 below for an analysis of the reasons for discontinuance).
- 3.13 We examined 51 cases that were dropped in the magistrates' courts during the month of April 2001, to try and establish the reasons for discontinuance, and to find out if the police were consulted and, if so, whether they agreed with the discontinuance.
- 3.14 Forty-three of these cases (84.3%) were formally discontinued by notice under section 23, Prosecution of Offences Act 1985. Seven cases (13.7%) were withdrawn at court and in one case (2%) the prosecution offered no evidence.
- 3.15 The reasons for discontinuance are set out in the table below:

Evidential		Public Interest		Prosecution unable to proceed		Driving documents produced at court		Not known	
Conflict of evidence	3	Defendant elderly/ suffering significant ill health	1	Offences taken into consideration	1	Documents produced at court	1	Reasons not known	0
Legal element missing	9	Genuine mistake	2	Victim refuses to give evidence	2				
Unreliable witness(es)	4	Loss/harm put right	2						
Identification Unreliable	13	Long delay	1						
Inadmissible evidence other	1	Very small penalty	4						
		Caution more suitable	7						
Total	30 59.0%	Total	17 33.0%	Total	3 6.0%	Total	1 2.0%	Total	

- 3.16 The police were consulted about termination in fifty cases and disagreed with the proposed discontinuance in three of these. They were consulted promptly and notices of discontinuance were usually sent out in good time.
- 3.17 The quality of the explanations given to the police in discontinued cases was good. We found that the proposals for discontinuance [DP1s] contained adequate explanations.
- 3.18 We examined 19 cases in more detail to determine whether the Code tests had been properly applied. We concluded that quality of decision making was generally sound. However, we disagreed with the decision to discontinue in two cases (10.5%), both on evidential grounds. In a further two cases (10.5%) we thought that the discontinuance was premature and that the police should have been asked to make further enquiries. This represents a higher level of disagreement than we have found in other Areas that we have inspected. The weight and admissibility of identification evidence was the reason for discontinuance in three of these cases, and in all four cases we thought the reviewer was unduly cautious in assessing the prospects of a conviction.

- 3.19 The Code tests had been correctly applied at the initial and subsequent review stages in 15 out of the 19 cases that we examined in detail, but we felt that the decision to discontinue was not made as expeditiously as it should have been in three of them. The Area drew our attention to the national data for the “Effective Initial Review Rate” which measures the promptness of discontinuance decisions. These figures reveal that, for the year ending 30 March 2001, CPS Warwickshire had one of the best returns in the country. However, these figures only record the timing of discontinuance and not the quality of the decisions themselves.
- 3.20 The conclusions we draw from our review of the Area’s discontinuance decisions is that there is considerable scope for improvement. In our view, two of the 19 decisions we reviewed were wrong, two were premature and three were late. These seven cases represent over a third of the cases we read in this category. These figures compare unfavourably with those for many of the Areas we have inspected in the current round. In view of Warwickshire’s overall good quality of casework, we think there is real need for Area managers to examine how discontinuance decisions are reached.
- 3.21 We recommend that the CCP and the Unit heads carry out a thorough review of the manner in which discontinuance decisions are made in order to ensure that:**
- i) the decision to discontinue is taken at the earliest possible stage, but only when all the available evidence is to hand; and that**
 - ii) due consideration is given to the evidential strengths of each case as well as to its weaknesses.**

Summary trial review

- 3.22 The standard of summary trial review was very good.
- 3.23 In the year ending 30 June 2001, the Area dealt with 232 summary trials. Only five cases resulted in a finding of no case to answer (NCTA). There were no NCTAs within the period of our file sample. We examined twenty summary trial files in the random sample and we agreed with the decision to proceed to trial in all twenty. These cases covered a wide range of offences from deception to assaults and public order offences. In most cases the summary trial review was based on a full review note at first appearance, and was timely.
- 3.24 We comment further on pre-trial review at paragraph 4.12.

Committal review (including review of “sent” cases)

- 3.25 The Area handles its Crown Court casework very competently. This is reflected in its case outcomes.

3.26 For the year ending 30 June 2001, 305 cases were committed or “sent” for trial. The Area recorded the following outcomes:

	WARWICKSHIRE	NATIONAL
Acquittals after trial as a % of all cases committed or “sent” for trial	3.6% (11 cases)	9.8%
Judge ordered acquittals and bind overs as a % of all cases committed or “sent” for trial	7.5% (25 cases)	14.5%
Judge directed acquittals as a % of all cases committed or “sent” for trial	0.3% (1 case)	2.4%

3.27 We examined 28 Crown Court cases in the random sample. They comprised the full range of indictable offences. We agreed with the decision to commit in all of them. The committal review often included consideration of any further evidence which would be needed in the event of a trial. In only one out of twenty of the cases ending in trial did we find that the preparation of the committal papers was unsatisfactory; statements were missing from the bundle and there was no continuity in their order.

3.28 There were four JOAs in the file sample. We agreed with decision to commit in all four cases. All were well prepared for trial before unexpected developments led to no evidence being offered.

Review endorsements

3.29 A full review endorsement in the appropriate place on a file is an essential part of the casework process. The endorsement should not just be a rehearsal of the facts but should include an analysis of the strengths and weaknesses of the evidence, the level of charge and the acceptability of pleas. We found the quality of review notes was **commendable**. The evidential factors at review were fully recorded in 54 out of 58 cases (93%) in the random sample. However, public interest factors at review were not as comprehensively recorded. There was an endorsement in only 42 out of 58 cases (72.4%), although we agreed with the public interest decision to proceed in all 58 cases.

Bail

3.30 Other court users see prosecutors as independent of the police in their decision making on bail issues. We were satisfied that prosecutors at court were making appropriate decisions in relation to bail applications. The prosecutor’s decision to oppose bail was justifiable in all ten of the relevant cases in our random file sample. We also found the outcome of the application was usually properly recorded on the file jacket.

Mode of trial/plea before venue

- 3.31 We considered that the lawyers' decision on mode of trial accorded with established guidance in all the relevant cases in the file sample, except for two. One was a youth case where the prosecutor had misunderstood the sentencing powers of the Youth Court and, as a consequence, successfully applied to have the case committed to the Crown Court for trial. The other was a racially aggravated crime where the lawyer represented the case as suitable for summary trial. In the event, the magistrates declined jurisdiction and the Crown Court imposed a sentence in excess of the magistrates' powers.

Sensitive and aggravated cases

- 3.32 The CPS, nationally, recognises that certain types of offences require special care and attention in handling because they are of a sensitive nature. The principal categories are cases involving child abuse, offences with a racial motivation and domestic violence.

Child abuse

- 3.33 The Area has child abuse specialists in both the MCU and CCU. A log is maintained of the progress of all child abuse cases. Cases are committed as well as transferred, and most are dealt with expeditiously.
- 3.34 We examined six child abuse cases in the file sample, and found all had been handled competently.

Domestic violence

- 3.35 The Area deals with relatively few such cases. Only nine cases were recorded as commencing in the quarter ending 30 June 2001, of which three were finalised. In one case the prosecutor correctly decided to proceed even though the complainant had indicated she no longer wished to pursue her complaint. Another case was dealt with by a guilty plea at the first date of hearing. We disagreed with the public interest decision not to proceed in the third case. The Area does not have domestic violence specialists. However, the MCU Head closely monitors the handling of these cases and, whilst we were satisfied that lawyers were generally familiar with the CPS policy on handling domestic violence cases, we think the monitoring should continue.

Racially aggravated offences

- 3.36 The file sample included eight racially aggravated offences. In addition, we examined the last six cases recorded as racially aggravated offences by the Area, covering the period April to July 2001. We were satisfied that the racial element was appropriately identified in 13 out of the 14 cases. The police correctly identified one case of assault on a white complainant as racially aggravated, but the Area wrongly decided not to treat it as such.

3.37 Our findings in relation to the cases correctly identified as racially aggravated are as follows:

Case proceeded on charge reduced to non-racially aggravated by CPS	Cases proceeded re-charged as racially aggravated by CPS	Case proceeded on basis of original police charge as racially aggravated	Discontinued
2	1	7	3

3.38 We agreed with all the decisions on level of charge in those cases that proceeded. In one of the two cases where the charge was reduced to one without a racial element, the decision was taken on evidential grounds. In the other case, the Area had re-charged a racially aggravated assault after the police had charged it as non-racially aggravated but, at trial, after consultation with the victim, the prosecution accepted a guilty plea to non-racially aggravated assault. Taking into account the degree of racial aggravation, and the age and wishes of the complainant, we thought the decision was reasonable.

3.39 Three cases were discontinued on evidential grounds. We agreed with two of those decisions, but thought the third was premature and further enquiries could have been made. We commented on premature discontinuance earlier (see paragraph 3.18).

3.40 We have already mentioned, at paragraph 3.31, that inappropriate representations were made at mode of trial in one of the racially aggravated cases that we read. Although one case does not suggest that there is widespread problem, it does suggest that there may be scope for considering the extent of lawyers’ understanding of the importance of venue in these cases. The AMT will want to ensure that lawyers are fully aware of the impact of racial aggravation on sentence.

Youth justice and persistent young offenders

3.41 The Area handles its youth cases well both in relation to quality and timeliness of review. This is reflected in the average number of days taken from arrest to sentence for persistent young offenders (PYOs). In the year 2000 the Area recorded an average period of 76 days (national average 93). There was a further improvement to 58 days in the quarter ending March 2001. It then regressed to 76 days for the quarter ending June 2001. However, the low numbers of PYO cases in an area such as Warwickshire makes it particularly susceptible to variation. The Area has two designated youth specialists in the MCU. They deal with the bulk of the youth remand courts and youth case file review. The B1 manager supports the youth specialists by maintaining a diary of all PYOs and monitoring their progress through the courts. Despite the recent regress, the manner in which the Area handles this issue, the degree of co-operation secured from other agencies and the cohesive approach is **commendable**.

Learning from experience

- 3.42 Case reports are prepared for all magistrates' court acquittals by the prosecuting advocate and passed to the MCU Head, the CCP and the reviewing lawyer. Similarly, case reports are prepared for all Crown Court acquittals, including JOAs and JDAs, by the caseworker at court. The reports are then passed to the CCU Head, the CCP and the lawyer who carried out the committal review. General learning points are raised at team meetings, or by memo to the team. The small number of acquittals allows management to reflect fully on the reasons for acquittals, and to take appropriate action if there are lessons to learn.
- 3.43 All Crown Court case outcomes are made known in the CCU by circulation of the indictment with the result and any amendments to the indictment endorsed on it. This is a good practice, even in a small office where there is a regular exchange of information face to face. However, we think the circulation should include the lawyers in the MCU. They will be the first to deal with these cases in court and it is important to keep them fully informed of the final outcomes.
- 3.44 We suggest that the Unit Heads should ensure that all indictments of completed cases are endorsed with the results and that any amendments are circulated to all lawyers in the Area who have contributed to the handling of these cases.**

PREPARING CASES

General

- 4.1 Good quality decision-making is of limited value if the subsequent handling of cases is not thorough and professional. In this section of our report we consider the performance of the Area in relation to specific stages in the progress of cases from the institution of proceedings through to their conclusion. Some aspects of case handling relate only to cases in the Crown Court, while some relate to both magistrates' court and Crown Court. They range from the provision of advance information, through compliance with prosecution obligations in relation to disclosure, preparation of cases for summary trial, preparation and handling of Crown Court cases, monitoring of custody time limits and general file management.

Advance information

- 4.2 Since the introduction of EFH and EAH (CDH) courts, the police prepare additional copies of the relevant material so that it can be served on the defence at the first hearing. This ensures that the service of advance information is timely. It also ensures that it is routinely served. We found that there was not always a record of what was served endorsed on the files we examined. We could only find such a record in five out of 39 appropriate cases. The keeping of a record of what is served by way of advance information is important, especially if statements are removed from the police bundle before service.
- 4.3 **We suggest that all prosecutors should endorse the files with a record of what material is served by way of advance information.**

Provision of information to the Probation Service

- 4.4 The CPS nationally has agreed that it will provide the Probation Service with details of the cases and antecedents where a magistrates' court orders a pre-sentence report or the defendant is committed for trial to the Crown Court. The information assists the Probation Service in preparing a balanced report for the court when sentencing the defendant. We were pleased to see that a pre-sentence package was supplied to the Probation Service in all the relevant files that we examined.

Disclosure of unused material

Overview

- 4.5 We found that, generally, the Area's handling of unused and sensitive material was satisfactory. We were told that the CPS had been experiencing problems with the quality of the unused material schedules submitted by the police. Our examination revealed that the MG6C required amendments, alterations or additions in 51.2% of the relevant cases.

To address this and other disclosure problems, the CPS has delivered six training sessions to the police since April 2001. These have been well received. For several years, the Area has been using a separate folder for the safe keeping of unused material. All non-sensitive material, including schedules and correspondence, is placed in the folder which is then retained within each file.

Primary disclosure

- 4.6 We found that primary disclosure was made in both Crown Court cases and in summary trials. We found that prosecutors dealt with primary disclosure appropriately in 68.2% of the relevant cases examined. This is lower than the average for inspections in our current cycle (71.9%). Service of primary disclosure was timely in 97.6% of the relevant cases. We have already referred to the need for amendments to some of the MG6Cs. There was not always evidence in the files we saw that the police had been asked to make the necessary alterations.
- 4.7 **We recommend that the prosecutors should carefully examine the MG6C schedules and, if omissions are apparent, they return the schedule to the disclosure officer for rectification; then endorse the file to that effect.**
- 4.8 Most of the schedules were signed and dated. However, if there was no material to be disclosed, or no material to be inspected by the defence, there was no further endorsement on the schedule. It is acknowledged that all the Joint Operational Instructions for the disclosure of unused material (JOPI), issued by CPS Headquarters, require is that the schedules be signed and dated, and endorsed if there is material to be disclosed or inspected. In our thematic report on disclosure we commended the approach we had found in some Areas, where the prosecutor had endorsed the schedule with their opinion that there was no undermining material. We also suggested that the CPS might wish to consider whether the JOPI should be amended to make it clear that a record should be made of all decisions in relation to disclosure.
- 4.9 **We suggest that:**
- i) **the reviewing lawyer's findings with regard to undermining material should always be endorsed on the MG6E schedule, whether or not such material exists; and that**
 - ii) **all decisions on disclosure should be endorsed on the file, including findings that there is no material which might undermine the prosecution case.**

Secondary disclosure

- 4.10 Defence statements were recorded as being sent to the police in all 14 relevant cases, and the police submitted a further MG6E in 11 of those cases. The prosecutor who prepares the committal papers is supposed to do a further review on whether any material should be disclosed as a result of the defence statement. We found that prosecutors dealt with

secondary disclosure appropriately in nine of the 11 cases (81.1%) which is significantly higher than the average for inspections in our current cycle (65.27%). Secondary disclosure was timely in ten of them (90.9%).

Sensitive unused material

- 4.11 The Area appear to be handling the disclosure of sensitive material satisfactorily. There is an Area flow chart for the handling of sensitive material which is a useful prompt for lawyers and caseworkers, although it is not always used. We found evidence that prosecutors had given proper consideration as to whether items were sensitive in 70% of the ten relevant cases. Three MG6Ds required amendments which were made.

Summary trial preparation

- 4.12 We examined 20 cases in which there were summary trials and found that the Area dealt well with the preparation for trial. There are good systems in place for handling these cases. The Area uses a Trial Instruction form to assist in the preparation of the case. It has a space on the front for the warning of witnesses and space on the back for further review. There was evidence of further review on receipt of the summary trial file from the police in 70.6% of the cases. Appropriate witnesses were called in all cases and the police were notified in good time in each case in which witnesses were required to attend court to give evidence. Witness statements had been served in accordance with the provisions of section 9, Criminal Justice Act 1967 in 18 out of 19 cases where it was appropriate, and service was timely in all.
- 4.13 At the time of our inspection, the MCU Head was carrying out a secondary review of all summary trial files. This was said to have several objectives. The Unit Head was able to satisfy himself that there was still sufficient evidence to proceed and that the cases were ready for trial. It was also a way of reducing the incidence of cracked and ineffective trials as well as a means of monitoring the quality of review and case preparation. Bearing in mind that we found the standard of summary review to be good, we considered it was wasteful of a manager's time to be conducting a second comprehensive review of every file. We also considered that this practice risked undermining the principle of file ownership by trial lawyers whose confidence and sense of responsibility might be affected by the knowledge that their manager was checking every single one of their decisions. Since we left the Area, we have been told that the MCU Head is no longer reviewing all summary trial files routinely but is being more selective and is focusing only on those cases where there is a perceived to be a particular need. We consider this to be a more constructive use of his time. Nevertheless, we are pleased to learn that this management exercise has been effective identifying weaknesses and in improving performance so that problems with cases can be dealt with before trial rather than having the weaknesses only coming to light after a case is lost.

Pre-trial review

- 4.14 When defendant enters a not guilty plea to a case which is to remain in the magistrates' court, a trial date is usually fixed for five to six weeks later and there will be a pre-trial review (PTR) within that period. The general view from the other agencies is that the PTRs are effective and that the CPS is prepared. We found that a PTR had been held in 19 of the 20 cases (95%) examined and that the CPS had taken all appropriate action prior to the PTR in 16 of them (84.2%).

Cracked and ineffective trials in the magistrates' courts

- 4.15 The Area has some cases which are listed for summary trial but which do not proceed to trial on the trial date because there has been a change of plea (cracked trial) or because the case has to be adjourned (an ineffective trial). We were told that between 50 and 60% of trials either crack or are ineffective. About 30% crack because of guilty pleas entered at PTR or on the day of the trial and only a relatively small number plead because the charge is reduced. We were told by representatives of the other criminal justice agencies that very few cracked or ineffective trials are attributable to the CPS. We have referred to the monitoring of summary trial files by the MCU Head earlier (see paragraph 4.13).
- 4.16 At the time of our inspection, the magistrates' courts were monitoring the number of cracked and ineffective trials. A form is completed by the clerk at court and a copy is sent to the CPS. The MCU Head analyses the case to determine where the fault lies and whether there are any lessons to be learnt by the CPS. Appropriate action is taken where necessary.

Crown Court case preparation

- 4.17 We examined 28 cases that were committed for trial or sent to the Crown Court under the provisions of section 51, Crime and Disorder Act 1998. As with the preparation of cases for summary trial, we found that the Area's handling of Crown Court case preparation was generally good. We found that the Area had developed a number of forms to assist with case preparation. These include a trial-ready checklist, which is completed when a case appears in the warned list or, where there was a fixed date, three weeks prior to trial. There is also a de-brief form which is completed when a case is finalised. A systems/procedure manual has been prepared which incorporates all the instructions and forms used by the CCU and we consider that this is a helpful document. We consider this use of a manual to assist in the preparation of cases for the Crown Court to be **good practice**.

Timeliness and quality of committal papers

- 4.18 The CCU lawyers generally prepare the committal papers for cases being dealt with in the Crown Court although MCU lawyers also prepare some of them. This is not only of assistance to the CCU but it also enables the MCU lawyers to gain experience in handling the more serious and interesting cases.

4.19 The CPS nationally has set a target for the service of committal papers on the defence within 14 days of receipt of a complete file from the police if the defendant is on bail, and within ten days if in custody. To achieve this target, the CPS depends upon the police to submit quality, timely files. The courts will allow the CPS up to eight weeks to prepare cases for committal where the defendant is on bail. Representatives of the other criminal justice agencies told us that committal papers were usually served on time. The Area's target for 2000/2001 was to achieve timely service in 92% of cases and the actual performance recorded for that period was 100%. The national target for the same period was 66% and the actual performance recorded was 62.7%. We found that the service of committal papers was timely in 91.3% of our file sample. This is good.

Timeliness and quality of instructions to counsel

4.20 The Area uses the revised Crown Court Case preparation Package (CCCPP) to prepare committal papers and instructions to counsel. We found that counsel's instructions contained a case summary that adequately addressed the issues in 22 of the 28 cases (85.7%) but that appropriate instructions on the acceptance of pleas was only given in four of 17 relevant cases (23.5%). Our view is that, in cases where there are several counts on the indictment or where there is the possibility of pleas being offered, the prosecutor should include instructions on the acceptability of pleas together with reasons. This is part of the discipline of preparing a case thoroughly. It also reduces the need for counsel to contact the reviewing lawyer for his opinion if pleas are offered at court. Overall, we found that the quality of counsel's instructions was satisfactory or above in 57.7% of the relevant cases. Although this is an improvement on the average of 53.35% that we have encountered so far in our current inspection round, it does not match the Area's generally good performance on casework and casework-related matters.

4.21 We recommend that the CCU manager should insure that instructions to counsel contain the prosecutors' views on the acceptability of pleas in all appropriate cases.

4.22 We also examined the quality of the instructions in appeals against conviction. All the cases that we examined contained a report from the prosecutor who conducted the trial in the magistrates' court. This is only as it should be although we have not always found it so in other Areas. We also examined the quality of instructions in committals for sentence and found them to be satisfactory.

4.23 The CPS agreement with the Bar is that instructions to counsel are delivered within 14 days of committal or 21 days in more serious cases. The Area's target for 2000/2001 was the timely delivery of instructions to counsel in 96% of cases and the actual performance recorded for that period was 95.9%. Our file examination showed that the delivery of briefs was timely in 96.2% of the relevant cases examined.

Timeliness and quality of indictments

4.24 Lawyers draft almost all the indictments. We found that the indictment reflected the gravity of the offending in 26 of the 28 (92.8%) cases in the random sample. The indictments required amending in seven (25%). The timeliness of lodging of indictments was good.

Plea and directions

4.25 We were pleased to find that the CPS complied with orders given at PDHs in 100% of the relevant cases in our file sample. We found that compliance was timely in all of them. This is only as it should be but it is, nevertheless, encouraging.

Custody time limits

4.26 Custody time limit (CTL) provisions regulate the length of time during which an accused person may be remanded in custody prior to disposal of their case. Failure to monitor the limits and, where appropriate, to make an application to extend them, may result in a defendant being released on bail who should otherwise remain in custody. CPS Warwickshire is a small Area and has only a small number of CTLs when compared with other Areas. Nevertheless, we are satisfied that the Area has adopted a system which is both effective and efficient in the monitoring of CTLs.

4.27 We examined ten files, which were subject to custody time limits, five magistrates' courts and five Crown Court files. In Warwickshire, cases subject to CTLs are identified and the expiry and review dates calculated and entered both on SCOPE and on to a separate computer log which is kept in the MCU. This log records the CTL for both MCU and CCU cases. A manual diary is also maintained and administrative staff keep their own diaries, which they check and update on a regular basis.

4.28 We found that the system for monitoring CTLs to be good. The B1 line manager on the MCU deals with the monitoring of the CTLs for both the MCU and CCU. The B1 monitors the computer log daily and is responsible for any CTL amendments for both teams. She reminds prosecutors and caseworkers if the CTL is nearing its expiry date. Only the B1 or her deputy can access the computer to make amendments, but the log is available on a public drive for all staff to read. In the B1's absence, her deputy deals with amendments and monitoring. Finalised cases are removed from the system and entered onto a finalisation sheet where the outcome is recorded.

File endorsements and case management

4.29 The standard of file endorsement in the magistrates' and Crown Court cases was excellent. There were clear, comprehensive court endorsements in all 58 of the magistrates' court and 27 of the 28 Crown Court files that we read. The endorsements of out-of-court work were similarly impressive; we found clear, comprehensive records on all the magistrates' and Crown Court files.

4.30 Representatives from the other criminal justice agencies told us that the CPS was generally very prompt in replying to correspondence. We found that there were effective systems in the MCU and the CCU for linking correspondence to files. All post is delivered to the MCU and is opened by a level A member of staff and date stamped. Post for the CCU is sent to the team and is dealt with by another level A. The level As will link all correspondence to files. Thereafter, correspondence which needs action, will be sent direct to the appropriate lawyer for attention. The level As will deal with any post that simply requires an acknowledgement.

PRESENTING CASES IN COURT

Introduction

- 5.1 Advocacy and case presentation in the courts are extremely important. Not only are they the most visible aspects of the work of a CPS Area, but their quality can significantly affect the outcome of prosecutions. For these reasons, the CPS has published National Standards of Advocacy setting out what can be expected of prosecuting advocates. The Standards identify seven key aspects of advocacy and case presentation in respect of which performance is to be assessed. They are: professional ethics; planning and preparation; courtroom etiquette; rules of evidence; rules of court procedure; presentational skills and case presentation.
- 5.2 The Inspectorate uses the National Advocacy Standards as a guide to assess all the prosecuting advocates observed during its inspections. These include CPS lawyers, designated caseworkers (DCW), solicitor agents and counsel in the magistrates' courts and counsel and CPS higher court advocates (HCA) in the Crown Court.
- 5.3 Using the Advocacy Standards as a basis, we allocate marks to the advocates we observe. An advocate who is fully competent is marked as 3. However, there is a wide variation of styles and approaches to advocacy and, in order to make a proper distinction between the quality of performance of different advocates, the Inspectorate sub-divides this marking into 3- and 3+ categories. The definitions used for each marking are as follows:

Assessment	Definition
1	Outstanding
2	Very good, above average in many respects
3+	Above average in some respects
3	Competent in all respects
3-	Less than competent in some respects
4	Less than competent in many respects
5	Very poor indeed, entirely unacceptable

- 5.4 The Area has 12 lawyers including the CCP. We were able to observe seven (58%) of those lawyers in magistrates' and Crown Courts, including one of the two Higher Court Advocates (HCAs). We also observed both the designated caseworkers (DCWs). The overall standard was fully satisfactory.
- 5.5 We also observed three counsel instructed by the Area in the Crown Court, and one solicitor agent in the magistrates' court.

Quality of advocacy in magistrates' court

5.6 We observed in court six CPS lawyers, two DCWs and one solicitor agent in a range of magistrates' court centres. We set out our markings in the table below:

	1	2	3+	3	3-	4	5	Total
CPS Lawyer	-	-	-	6	-	-	-	6
DCW	-	-	1	1	-	-	-	2
Agent	-	-	1	-	-	-	-	1

5.7 All CPS lawyers we observed were authoritative and at ease in their courts. Most were very experienced. However, the court lists we observed were all remand courts that did not test the advocates to the full. The Area's lawyers have the respect of the other magistrates' court users. From what we saw, we think this respect is justified.

5.8 Both DCWs were fully competent, and one was above average in some respects. The only concern expressed by other court users was the limitation on the types of cases DCWs are allowed to handle under existing arrangements.

5.9 The Area regularly instructs agents to cover trials in the magistrates' courts. Agents are drawn both from the junior Bar and from experienced solicitor practitioners. We saw one solicitor agent who was above average in a number of respects. We refer to the need for monitoring agents who are not well known to the Area at paragraphs 5.19.

Court coverage in the magistrates' courts

5.10 The CCP is a very experienced advocate. He appears in the magistrates' court, on average, once a month. The MCU Head, on average, prosecutes two courts a week. In the Inspectorates' Thematic Review of Advocacy (Thematic Report 1/2000) at paragraphs 3.6 to 3.8, we commented on the importance of senior managers prosecuting cases in court. In this Area, we think that there is a sufficient presence of senior managers in the magistrates' courts.

5.11 Generally, MCU lawyers attend court two or three times a week. This provides them with sufficient time to prepare for court and to carry out summary trial review. However, summary trials are usually passed to counsel or solicitor agents to prosecute. This is a concern because it means that CPS lawyers do not regularly exercise the skills required to conduct a trial. The CCU resources are at present constrained by long term sickness and do not allow the CCU lawyers to appear in the magistrates' courts in addition to their other duties. This similarly carries a risk that the CCU lawyers will lose touch with magistrates' court advocacy. We do not wish to exaggerate the risks of de-skilling, particularly where experienced advocates are concerned. Nonetheless, we think it desirable that all advocates in the Area maintain the full range of advocacy skills, both for remand courts and for summary trials. Allocating the file owner to any subsequent trial also serves to reinforce the benefits of file ownership.

Quality of advocacy in the Crown Court

5.12 In the Crown Court we saw three counsel and one HCA. Our assessments were as follows:

	1	2	3+	3	3-	4	5	Total
Counsel	-	-	1	1	1	-	-	3
HCA	-	-	-	1	-	-	-	1

5.13 Other court users told us there was parity between counsel for the prosecution and the defence. This was confirmed by our observations of two out of three counsel. However, one counsel was less than competent in one respect. He was not as familiar with the case, which was listed for PDH, as he should have been.

5.14 The HCA we observed was fully competent in dealing with three preliminary hearings, a PDH, a bail appeal and a committal for sentence.

Court coverage in the Crown Court

5.15 The Area generally provides caseworker coverage of one caseworker to one court. This is to be welcomed. In addition, caseworkers follow their own serious cases throughout any trial. This ensures that counsel is fully supported. Other Areas which have cases heard at Warwick Crown Court usually send their own caseworkers to cover the case. This reduces the burden on Warwickshire CPS.

5.16 The two HCAs cover PDHs if a guilty plea is anticipated, preliminary hearings and appeals or committals for sentence. This does not represent the full extent of their rights of audience and the AMT will wish to keep under review the possibility of more HCAs dealing with appeals against conviction and jury trials; so far as we are aware, only one HCA had undertaken appeals up to the time we visited the Area.

5.17 The HCAs attend court regularly. As a consequence, there is often a CPS lawyer available at the Crown Court to deal with any issues that arise there, such as the acceptability of any guilty pleas being offered. Counsel will also, when necessary, contact the Area office direct. We have referred earlier at paragraph 4.21 to the value of full instructions in this situation.

Selection of counsel and returns of briefs

5.18 The Area instructs counsel mostly from three preferred sets of chambers. We were satisfied that the Area has a sufficient pool of suitably competent and experienced counsel from which to draw. Returns of briefs do not appear a significant problem for the Area. We were told that, over the last six months, 74% of cases were dealt with at court by counsel originally instructed. Nonetheless, the B2 caseworker in the TU is right to keep the level of returns under regular review. The B2 caseworker also monitors allocation of cases to individual counsel to ensure a fair allocation amongst all the counsel instructed.

Monitoring of advocacy standards

- 5.19 There is systematic monitoring of CPS prosecutors at both the magistrates' and Crown Court. The MCU Head monitors each CPS prosecutors in the magistrates' court twice a year. The CCP and CCU Head monitor CPS prosecutors in the Crown Court. This is as it should be but we have not always found such structured monitoring in other Areas. We **commend** the Area for their monitoring of CPS prosecutors in court. Agents are also monitored, although not as systematically as CPS prosecutors. We think it is particularly important to ensure that agents who are new to the Area are monitored before being regularly instructed.
- 5.20 We were also pleased to find that counsel are systematically monitored in the Crown Court, as are those counsel seeking to be re-graded.

MANAGEMENT AND OPERATIONAL ISSUES

Overview

- 6.1 Warwickshire has made good progress in the two years since it became an Area. Its performance is of a high standard and it is well regarded by the other criminal justices agencies.
- 6.2 Warwickshire is the smallest of the 42 Areas and its size has implications for effective resource management. The loss of just one or two staff can make a considerable difference to its ability to maintain its performance.
- 6.3 The Area's good performance is set within a framework of well-developed systems and processes, for example, those for business planning and performance monitoring. The relatively small and compact nature of the Area assists in the maintenance of performance standards and with communications, both internal and external. In moving from Branch to Area status, the Area Management Team (AMT) has developed and improved systems and processes for personnel, finance and performance monitoring.
- 6.4 External relations and inter-agency working is a particular strength. The Area is proactive in assisting other agencies to improve the overall performance of the local criminal justice service and in collective learning from experience. An innovative Combined Criminal Justice Centre project is a flagship development, which has been supported by substantial national funding. We discuss the centres in more detail at paragraph 6.46.
- 6.5 The size of the Area is seen as having had a limiting effect on its development. In addition, the CPS ABC costing formula has restricted the Area's funding and increased the challenge to achieve fully effective performance. However, an increased financial allocation for 2001/02 has enabled the Area to increase its office space, and to undertake the recruitment of additional staff as well as replacing those who have left. This is regarded as essential to ensure further staff development, to raise the CPS profile in the local community and to enhance processes and systems, including the implementation of the Business Excellence Model (BEM). We were pleased to see that the Area had recognised the need for strengthening policies, processes and performance in these areas although this does not detract from the achievements it has already made.

Management of the Area

Meetings structure

- 6.6 The AMT comprises the CCP, the ABM, the Heads of the MCU and CCU, the B2 CCU manager and the B1 MCU manager. It meets on a monthly basis and provides a forum for reviewing performance, discussing future development, and supporting communications within the Area. The AMT minutes are cascaded down to staff by means of regular team meetings. The CCU meets once a month and its meetings are usually arranged to fit in

with the AMT cycle. The MCU meets formally every three months, with separate meetings for lawyers and administrative staff. The small size of the Units makes it possible to have informal meetings on a more frequent basis, but these should not take the place of a regular, formalised system of meetings.

- 6.7 There are also quarterly meetings of the Area Secretariat, the Area Whitley Council and the Area Consultative Committee that acts as the Area Sounding Board and Area Training Committee. This latter committee consists of representatives from each level of staff within the office. In addition, there are occasional full office meetings to discuss matters of general importance.

Management style

- 6.8 Warwickshire combines high expectations of performance with a constructive and supportive management framework. There is strong, positive leadership. This creates a clear vision for the Area. It is founded on the consistent delivery of a high standard of service by the CPS and the advancement of joined-up effectiveness within the wider criminal justice system. The three critical success factors for CPS performance are good quality files submitted on time by the police, good quality staff who have been properly trained and courts' sitting patterns with listing responsive to CPS requirements. The CCP's strategy is to focus on these factors to maintain continuing high performance and to identify potential for improvement within the CPS and in inter-agency working. There is a JPM protocol on the quality of police files and there is a considerable measure of co-operation between the CPS and the Magistrates' Court Service on court sitting patterns.
- 6.9 This vision has been successfully communicated to staff. However, we did not find this was always the case on other matters where we identified some scope for greater consultation. For example, from what we were told whilst on site, there was a feeling amongst some staff that the issue of the separate Magistrates' and Crown Court Units had not been discussed as fully as it might have been.

Area planning

- 6.10 The Area Business Plan (ABP) for 2000/01 follows the national template. It was discussed at the AMT before being promulgated to the Area as a whole. The plan reflects national themes and is underpinned by local aims and targets. There was no Area-wide consultation as such, although aspects of the ABP were discussed with individuals. Staff may not be fully aware of the business plan but they are all aware of the CCP's vision for the Area. In future, we think the AMT should open up to all staff the process leading to the preparation of the ABP.
- 6.11 The Area is committed to adopting the CPS Business Excellence Model (BEM). This is a framework for improving the quality of performance through continuous self-assessment. The ABM received BEM assessor training earlier this year and she intends to develop the implementation plan. We welcome this commitment.

Change management

- 6.12 The decision to move to separate Crown Court and Magistrates' Court Units was a finely balanced one. The advantages included file ownership by named lawyers which would give them more control of their cases and the opportunity to concentrate on the quality of cases going to the Crown Court. The disadvantages were that, given the size of the Area, the formation of Units could lead to a reduction in the flexibility to deploy staff, thus resulting in prosecutors not dealing with a sufficiently wide range of casework. With the creation of the Combined Criminal Justice Centres, the Area will have another chance to review and evaluate the operation of the Units. However, the Centres project will not be completed for three years and we consider that the AMT should re-assess the situation before then. Questions to be addressed include the operational flexibility of the Units, the maintenance of the skills of all staff and the rotation of staff between the Units.
- 6.13 We suggest that the AMT should review and evaluate the organisation and operation of the Magistrates' Court and Crown Court Units within 18 months of their creation, and should re-assess their viability, taking into account their operational flexibility and the continuing need to develop staff.**

Performance management

- 6.14 The Unit Heads provide monthly reports for the CCP which include an analysis of Corporate Performance Management (CPM) targets, Performance Indicators (PIs), extracts from any relevant logs, such as child abuse and advice, and copies of the adverse and failed case reports. The Crown Court Unit report also contains details of cracked and ineffective trials. The Area's performance against target on the key indicators is excellent, with targets being consistently achieved. This is attributable to the hard work and dedication of the staff and the clear lead given by management, combined with constant performance monitoring. The success of the Area in reducing the number of days taken to progress PYOs through the courts is also due, amongst other things, to close inter-agency co-operation.
- 6.15 The Area has a rigorous approach to monitoring and performance management which underpins a consistently high standard of casework. We **commend** the Area's commitment to the management of performance and to the adoption of effective procedures designed to ensure the necessary level of monitoring. However, we would like to encourage the Area to evaluate periodically its approach to monitoring and performance management, in order to be satisfied that all aspects of the procedures are efficient and effective, that they avoid unnecessary duplication and that they are informed appropriately by risk assessment principles.

Communications

- 6.16 It is clear that the move from Branch to Area has made staff more aware of the importance of communication and that they are becoming more involved. The Area has processes for consultation and communication with staff and we have already referred to the structure of meetings as a form of communication (paragraphs 6.6 and 6.7). The size of the Area should also help in ensuring that management is aware of staff concerns. This should not, however, detract from the necessity to have formal communication systems in place and the importance of regular team meetings (see paragraph 6.6). We have also referred earlier to the perceived lack of communication on some important issues such as the decision to move to Glidewell Units (paragraph 6.9).
- 6.17 There is an Area written communication strategy. It is predominantly focussed on internal communications and the AMT acknowledges that the time has come to re-assess it, with regard to both internal and external communications using, perhaps, a business excellence approach.
- 6.18 We recommend that the ABM should undertake a review of communications, both within the Area and externally with CPS stakeholders, with a view to updating the current communications strategy.**

Management of financial resources

Efficiency and effectiveness of use of resources

- 6.19 The efficient and effective use of the Area's resources is dependent on a number of factors, both internal and external. We have already referred to the CCP's views on the critical success factors for CPS performance (see paragraph 6.8).
- 6.20 The inter-agency factors include court-sitting patterns, the quality and timeliness of police files and the prospective co-location of the Crown Court and Magistrates' Court Units with the police. At the time of our inspection, all these matters were receiving attention. The time invested in them is showing positive results. First of all, the magistrates' courts are generally very co-operative with the CPS over weekly sitting patterns. Secondly, following a drop in the standard of quality and timeliness of files submitted by the police, something which challenged the CPS to maintain its high standard of performance, the CPS and the police have addressed this problem and the most recent JPM figures indicate an improvement. Finally, the implementation of the Combined Criminal Justice Centres will deal with co-location.
- 6.21 Factors influencing the internal use of resources include the effective and efficient deployment of staff (see paragraph 6.30). High effort and commitment on the part on the staff have maintained the CPS's performance, but there is a perception that staff have been stretched in recent months. Additional CPS resources will allow for the replacement of staff who have left as well as for some additional recruitment. This will include an increase in staff in the Area Secretariat to given support to the ABM. This will enable her to give more attention, inter alia, to the development and use the BEM model, amongst other things.

Allocation of resources

- 6.22 The original allocation for the Area budget for 2001/02 implied a reduction in real terms. The Area has successfully applied for additional funding for the year 2001/02. This includes two allocations from PIP which will enable the Area to replace the two lawyers lost over the last year. The increase in financial resources has also allowed the Area to expand its accommodation. We consider that the steps being taken are an appropriate use of these additional resources.

Budgetary control

- 6.23 The Area overspent its running costs provision in 1999/2000, albeit that this overspend was authorised by CPS Headquarters. The Area has had to operate within a restricted budget. To enable the ABM to address the situation, she has developed formalised budgeting systems. These include the maintenance of a commitments register, together with the provision of management reports, monthly monitoring and reports to the AMT. We consider that these budgetary controls are satisfactory, and is reflected in a very slight underspend for 2000/2001.

Counsel fees

- 6.24 The level of fee settlement for the period 2000/01 was below the national average which is what we would expect from an Area with Warwickshire's caseload. The B2 CCU manager deals with counsel fees in all pre-marked cases. He prepares a monthly report for AMT, which includes timeliness of payment of fees, the category of case and the use of Case Management Plans. We consider this system for monitoring fees to be satisfactory.
- 6.25 The Service intends to introduce a graduated fee scheme for the payment of prosecution counsel. The B2 will attend the national training course and will then train other staff in the Area.

Management of human resources

Training and development

- 6.26 We were pleased to find that management recognises that the training and development of staff makes an important contribution to the high level of performance achieved by the Area. The training requirements of individual members of staff are identified during the course of regular reviews of performance and development which they hold with their line managers. The AMT and the Area Training Committee identify training requirements resulting from new legislation or new initiatives. These requirements formed the basis of the training and development plan for 2000/01, which is in the process of being updated for 2001/02. In addition, the Area Training Committee has identified what staff need in the way of training. These needs are being addressed by a series of in-house training days. One such day was held during the course of this inspection. Staff themselves suggested the agenda for the programme which contributed to its success. We would like to see this pattern repeated.

- 6.27 There has been formal training for Connect 42, which was supplemented by Area training. This took the form of individual desk training and an Area workbook.

Sickness

- 6.28 The Area recorded an average of 4.7 days absence per member of staff in 2000. This does not suggest a problem within the Area. Given past outcomes, a target of 7.5 days for 2001 looks achievable. The national target is 8.5.

Performance appraisal

- 6.29 The timeliness of completion of performance appraisal reports (PARs) for the year 1999/2000 was excellent. All the PARs had been completed by the deadline of 9 June 2000. All reports for the Area for 2000/01 had been completed by 10 June 2001. This is very good compared with other Areas.

Deployment of staff

- 6.30 The effective deployment of staff is essential for the effective and efficient use of resources. In Warwickshire, we found that staff are dedicated and committed. However, we found that the effective and efficient running of the Area depended, perhaps to a disproportionate extent, on a small number of people. There is an apparent tendency to a risk averse management approach when it comes to staff development or deployment. By this we mean that staff are deployed only according to their strengths. It is important that managers recognise the need fully to develop all staff. One way of doing this is to ensure that staff are fully and appropriately deployed. This means that managers should be utilising their resources not only by recognising people's strengths but also by working with them on their areas for development where they are weak or lack experience. We have already recommended that all lawyers deal with pre-charge advice cases but there should be other opportunities for development, including greater trial advocacy by in-house lawyers. The creation of the Combined Criminal Justice Centres could be one catalyst. The planning and implementation of this scheme will inevitably mean more work for Area managers. Therefore, there is all the more reason for managers to look at their workloads and to consider what can be delegated to other staff now. We were pleased to see that this was beginning to happen.

Accommodation, security, health and safety

- 6.31 The Area occupies two adjoining buildings in Leamington Spa, close to the magistrates' court and the police station. The accommodation is of a high standard.
- 6.32 The entrance to the building is via the main entrance and there is no reception. There is a sign on the building to indicate the presence of the CPS. Visitors are met by a member of staff and are asked for identification. They are asked to sign a register.

- 6.33 There is sufficient office space for staff to be able to carry out all the normal duties with regard to casework handling. There are also rooms which can be used when staff are doing work which requires more concentration and some privacy, for example, viewing disclosure interviews in child abuse cases or interviewing for PAR purposes. The MCU administrative staff are in a large open planned office, which is able to accommodate sufficient cabinet and storage for files. The Area has recently installed a Rack Line storage system, which can accommodate both live and finished files. This storage system has minimised the risk of files being lost and has maximised the use of space.
- 6.34 However, we do have one concern with regard to the accommodation and that is in relation to the space available to caseworkers in the CCU. Their office is small and appears cramped. If the Area was to increase the number of CCU staff this office will become unsuitable. Management need to be alert to this possibility.
- 6.35 In spite of the fact that the Area has a health and safety officer, we felt that there were some other matters deserving of comment. For example, the building does not have wheel chair ramp access for disabled visitors or staff and, also, due to the age of the building, there is no lift between floors. Finally, the Area does not have a courier service for court files. Staff are expected to take their own vehicles or use local transport. This can present problems as there are often health and safety risks attached to the carriage of heavy loads of files and other papers.

Equality and diversity

- 6.36 The Area has an Equality and Diversity Action Plan for 2000/01. Some steps have been taken to implement the plan but many of the initiatives in it are still outstanding. We found that there was no fixed implementation date for many of the actions and, even where there were dates, there were no comments on whether the target had been met and what the outcome may have been. The Certificate of Assurance for 2000/01, appropriately in our view, gave only limited assurance on diversity and set out the further action that the Area intended to take. The Area accepts that there is lot of work still to do be done. The ABM is the Equality and Diversity officer for Warwickshire and intends to look at the action plan to assess what progress is still outstanding and to update the plan accordingly. We would hope to see progress before the time of our next inspection and would expect the CCP to address the matter in the Area action plan.
- 6.37 Within the office 6% (2/32.6) of staff are from a minority ethnic community, compared to the benchmark for the county of 4% derived from the Labour Force Survey 1996 – 98.

Performance Indicators

- 6.38 Accurate recording of case outcomes is important, not only because this data is used to determine the allocation of resources to an Area but also because it provides details of the Area's performance in relation to its casework.

- 6.39 The B1 line manager on the MCU is responsible for inputting the PI data onto the computer and for updating the information for both the MCU and the CCU. She monitors the PIs monthly and checks cases for consistency and accuracy. The Area has developed a PI amendment register. When cases are pulled off the computer system the B1 will manually check cases against the list. Where a case has been recorded inaccurately the B1 fills in an amendment form to indicate the change to the PI records and then updates the computer.
- 6.40 The B1 checks the recorded PIs and identifies any adverse cases together with cases which have been dismissed. The figures from the monthly check are passed to the Unit Heads who include the information in their monthly reports to the AMT. We consider that there are satisfactory systems in place for the recording and monitoring of PIs.

Victims and witnesses

- 6.41 In Warwickshire, the Witness Service is represented at the Crown Court in Warwick and in the magistrates' courts. The Area is working very effectively with both sections. The Witness Service is notified in advance of the names of witnesses due to attend court but we were told there are sometimes difficulties in identifying vulnerable witnesses and those witnesses with a minority ethnic background. The CPS, in general, did provide appropriate information about the needs of witnesses but it would assist them further if the police could identify for them any vulnerable and ethnic minority witnesses when this information is not obvious from a reading of the file.
- 6.42 The Area is seen as being good at handling witnesses in both the magistrates' and Crown Courts. In the Crown Court, the caseworkers take time to keep witnesses informed of progress in their cases. Prosecutors in the magistrates' courts will also spend time with witnesses. We had some concern, however, over the handling of written enquiries from victims and witnesses and the Area may want to consider being a little less formulaic in their correspondence with them.
- 6.43 There is no formal liaison by the Area with the Witness Service and Victim Support, although representatives from both agencies attend the local Court User Group meetings and sit on the Trials Issues Group and the Warwickshire Criminal Justice Strategy Committee. However, the relationship between the agencies is good and is mainly based on personal contact. The CPS has been involved in the training of Witness Service volunteers but there has been no Witness Service input into CPS training. The AMT and Area Training Committee may wish to consider whether there is scope for a representative from Witness Service to speak to CPS staff about victim and witness issues.

External relations

General

- 6.44 Good external relations and close inter-agency working are important for the effective and efficient operation of all the criminal justice agencies in an area. In Warwickshire, the close and productive relationship between the CPS and its criminal justice partners is something of long standing and is one of the Area's strengths. The CPS plays a full and active part in meetings at strategic and operational levels as well as in court user groups. This is one of the areas where the CCP and AMT are beginning to delegate the representational role of the CPS to other members of staff where it is seen as appropriate. We are sure this is right.
- 6.45 The Warwickshire Criminal Justice Strategy Committee (WCJSC) was established last year. Its strategic plan emphasises its aim of promoting whole systems effectiveness across all the criminal justice agencies. The plan is underpinned by a communication and marketing strategy aimed at ensuring community understanding of the range of services provided by the agencies, and also at ensuring timely awareness by agencies' staff of key policies, procedures and plans.
- 6.46 One of these plans is the innovative project to create combined Criminal Justice Centres, one in the north of the county and one in the south, housing all the criminal justice service agencies. The project was awarded £21.7 million from the Government's Capital Modernisation Fund in April 2001 over a three-year period. The four Chief Officers (the CCP, the Chief Constable, the Justices' Chief Executive and the Chief Probation Officer) form the Programme Board which has put together five groups, each chaired by one of the Chief Officers; the CCP chairs the business process review group. It is important for the planning and management arrangements for the groups to identify the potential risks and uncertainties involved, and for contingency plans reflecting the interests of all agencies to be prepared. We have already referred to the fact that the programme can be expected to make increased demands on CPS resources and have identified the need for the AMT to make appropriate provision for this (see paragraph 6.30). The Inspectorate were impressed with the commitment shown by the local CJS agencies to this initiative. It is a development whose completion is keenly awaited in the county and elsewhere. Its success will, however, be dependent on support at national level.

Crown Court

- 6.47 The Area has an excellent working relationship with the Crown Court. The CCU managers attend the Crown Court user group meetings. There is a protocol, which works well, on the handling of cases which are sent to the Crown Court under the provisions of section 51, Crime and Disorder Act 1998.

Magistrates' court

6.48 The liaison between the Area and the magistrates' courts works well. The courts have been co-operative over the court listing patterns, which is perceived to be one of the critical success factors for CPS performance (see paragraph 6.8). There has also been some joint training. The CPS took the lead on training for PYOs and cases sent under section 51. The courts led on the implementation of the Narey recommendations. The CPS is represented at the various magistrates' courts court user groups, usually by the lawyer who has responsibility for prosecuting in the relevant CDH court. This is a constructive use of delegation by management as well as an important aspect of staff development.

Police

6.49 There is a good and constructive relationship between the police and the CPS. The main issue is the quality and timeliness of the submission of police files – another of the critical success factors for CPS performance. The police have recognised that there is a problem, due mainly to a shortage of supervisory officers. Both parties are working together to improve performance. In March 2001, a protocol on Joint Performance Monitoring (JPM) was signed between the police and the CPS, and the ABM and MCU head attend quarterly meetings with the police to review JPM data and administrative, to identify issues and agree remedies. The CPS also gives systematic feedback to the police on any problems with the files. As a result, there has been some improvement. The JPM figures for the quarter ending June 2001 showed that 64% of all full files were fully satisfactory and submitted on time and 83% of all files were fully satisfactory and submitted on time. This is an improvement on the figures for the previous quarter.

Probation

6.50 The Area has a good working relationship with the Probation Service. Comment from the Probation Service suggests that there are no serious problems and that there are good lines of communication for resolving problems. We referred to the timely service of probation information packages at paragraph 4.4.

Community contacts

6.51 The CPS does not have a particularly high profile in the local community, especially the minority ethnic community. The CCP recognises this and intends to take steps to raise the CPS' profile on an inter-agency basis with, for example, criminal justice service-wide partnership and promotional events within the local communities. The Area has already made arrangements for work experience for pupils from local schools. The ABM is part of an interagency group set up to look at diversity and equality across of the agencies. A draft document, "Equality for Minority Ethnic Groups within the Criminal Justice System", was produced in August 2000 for the WCJSC. However, this document has not yet been published and needs to be updated.

- 6.52 Inter-agency activities apart, the CPS needs to do more as an individual organisation among the local minority ethnic communities. Its own equality and diversity plan identifies initiatives to promote the CPS within these communities. The Area should not overlook these commitments and should not rely exclusively on joint initiatives with other agencies to fulfil its responsibilities. A starting point might be to invite a representative from the local Racial Equality Council to speak to CPS staff. Whilst looking at ways in which to raise its profile, the Area should consider whether there are any further opportunities to work with the other agencies to raise diversity awareness.
- 6.53 We suggest that AMT should consider ways to join with the other criminal justice agencies to develop inter-agency awareness on diversity issues.**
- 6.54 We suggest that AMT should also identify its own initiatives to promote the CPS within the local communities, apart from joint initiatives with the other criminal justice agencies.**

Complaints

- 6.55 The Area has detailed procedures for dealing with complaints. There is a complaints register in which both parliamentary and non-parliamentary complaints are recorded. The register is indexed, and there are pro-formas for analysing both oral and written complaints. We found examples of both in the log but, whilst we were pleased to see the procedure for analysis, we also found that the pro-formas were not being fully completed. The section identifying whether the complaint was justified and whether any action had been taken, was rarely filled in. We think it is important to analyse complaints to see whether they are justified and whether there are any lessons to be learned for the future. This is another important way in which managers can monitor the performance of their area.
- 6.56 Timeliness in responding to complaints was very good. Seventeen complaints were recorded to the year ending 31 March 2001. All had been dealt with within the ten day period for reply. However, we found the quality of most of the replies to be poor. Replies were often too legalistic and inappropriately phrased. Sometimes there was evidence of insensitivity towards the complainant. Furthermore, some replies appeared to have been sent without being proof read first. The standard of complaints handling contrasted with the professionalism of casework handling in general.
- 6.57 We recommend that the CCP should take steps to:**
- * Ensure full completion of the complaints pro-formas to enable a regular analysis of the reasons for complaints and the actions taken;**
 - * Improve the quality and sensitivity of responses to complaints.**

CONCLUSIONS, COMMENDATIONS, GOOD PRACTICE, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 Warwickshire is a good Area which does its core business well. We found there to be a consistently high standard of casework in the Area, underpinned by a rigorous approach to monitoring and performance management. The standard of review in those cases which proceeded was very good. Cases in both the adult and youth courts were reviewed at the earliest opportunity and the quality of the review endorsements was commendable. Nevertheless, we found that there was evidence of an unduly cautious approach to the prospects of a conviction in some cases, leading to a premature decision to discontinue. In fact, we found that there was considerable scope for improvement in the quality of the Area's decisions to discontinue generally. We also found that some aspects of racially aggravated offences were not dealt with entirely satisfactorily.
- 7.2 Case preparation is timely. The Area has met its targets for timeliness of the service of committal papers on the defence and the delivery of instructions to counsel. The service of advance information on the defence and the provision of probation information packages were also timely. The handling of unused material, particularly secondary disclosure, was generally satisfactory, although decisions on disclosure were not always endorsed on the schedules. In spite of being timely, the quality of instructions to counsel was often unsatisfactory because appropriate instructions on the acceptance of pleas was not always given.
- 7.3 The standard of advocacy by CPS lawyers and the DCWs is satisfactory.
- 7.4 The Area has close working relationships with its criminal justice partners. The CCP is playing a major role in the planning for the Combined Criminal Justice Centres. However, the CPS needs to do more to raise its profile in the local community, especially with minority ethnic groups.
- 7.5 The decision to move to separate MC and CC Units was finely balanced and the size of the Area may lead to a reduction in the flexibility to deploy staff. The viability of the Units will need to be re-assessed. There are also some people management issues which require to be addressed. At present, the effective and efficient running of the Area is dependent on a small number of people and managers should recognise the importance of fully developing all their staff. Managers also need to consider how they can delegate work or responsibilities to other staff and we were pleased to see that this was beginning to happen. The Area's equality and diversity plan needs to be updated and more rigorously actioned.

Commendations

7.6 We commend the Area for the following aspects of its performance:

- * The quality of its advice work (paragraph 2.6);
- * The quality of its review notes (paragraph 3.29);
- * Its handling of and approach to persistent young offenders (paragraph 3.41);
- * The monitoring of CPS prosecutors in court (paragraph 5.19);
- * The CPS's commitment to effective processes of performance management (paragraph 6.15).

Good practice

7.7 We draw attention to the following areas of good practice:

- * The use of a manual to assist in the preparation of cases for the Crown Court (paragraph 4.17).

Recommendations and suggestions

7.8 The distinction between recommendations and suggestions lies in the degree of priority the Inspectorate considers should attach to its proposals. Those meriting highest priority form the basis of recommendations.

7.9 We make the following recommendations:

- 1 the MCU Head should allocate advice cases more widely to give all lawyers in the MCU increased opportunities to deal with advice work (paragraph 2.10);
- 2 the CCP and the Unit Heads carry out a thorough review of the manner in which discontinuance decisions are made in order to ensure that:
 - i) the decision to discontinue is taken at the earliest possible stage, but only when all the available evidence is to hand, and that
 - ii) due consideration is given to the evidential strengths of a case as well as to its weaknesses (paragraph 3.21);
- 3 the prosecutors should carefully examine the MG6C schedules and, if omissions are apparent, they return the schedule to the disclosure officer for rectification, and then endorse the file to that effect (paragraph 4.7);
- 4 the CCU manager should ensure that instructions to counsel contain the prosecutors' views on the acceptability of pleas in all appropriate cases (paragraph 4.21);

- 5 the ABM should undertake a review of communications, both within the Area and externally with CPS stakeholders, with a view to updating the current communications strategy (paragraph 6.18); and
- 6 the CCP should take steps to:
 - * ensure full completion of the complaints pro-forma to enable a regular analysis of the reasons for complaints and the actions taken;
 - * improve the quality and sensitivity of responses to complaints (paragraph 6.57).

7.10 We also make the following suggestions:

- 1 the Unit Heads should ensure that all indictments in completed cases are endorsed with the results and that any amendments are circulated to all lawyers in the Area who have contributed to the handling of these cases (paragraph 3.44);
- 2 all prosecutors should endorse the files with a record of what material is served by way of advanced information (paragraph 4.3);
- 3
 - i) the reviewing lawyer's findings with regard to undermining material should always be endorsed on the MG6C schedule, whether or not such material exists, and that
 - ii) all decisions on disclosure should be endorsed on the file, including findings that there is no material which might undermine the prosecution case (paragraph 4.9);
- 4 the AMT should review and evaluate the organisation and operation of the Magistrates' Court and Crown Court Units within 18 months of their creation, and should re-assess their viability, taking into account their operational flexibility and the continuing need to develop staff (paragraph 6.13);
- 5 the AMT should consider ways to join with the other criminal justice agencies to develop interagency awareness on diversity issues (paragraph 6.53);
- 6 the AMT should also identify its own initiatives to promote the CPS within the local communities apart from joint initiatives with the other criminal justice agencies (paragraph 6.54).

KEY STATISTICS

- 8.1 The charts in Annex 2 set out the key statistics about the Area's caseload in the magistrates' courts and the Crown Court for the year ending 30 June 2001.

EXTERNAL CONSULTATION

- 9.1 Annex 3 contains a list of the local representatives of criminal justice agencies who assisted in our inspection.

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

File Category	Number of Files Examined
Advice files	10
Magistrates' courts: guilty pleas, convictions and acquittals after trial traffic offences acquittals where magistrates found no case to answer discharged committals cases where custody time limits applied discontinued cases	30 8 0 0 5 51
Crown Court: guilty pleas, convictions and acquittals after trial judge ordered acquittals judged directed acquittals cases committed for sentence (following plea before venue) appeals cases where custody time limits applied	28 4 0 5 5 5
TOTAL	151

ANNEX 2

Table for chart 1
MC -Types of case

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Advice	754	8.4	47,325	3.5
Summary motoring	3,602	40.1	505,174	37.3
Summary non-motoring	1,178	13.1	250,456	18.5
Either way & indictable	3,201	35.7	540,542	39.9
Other proceedings	243	2.7	12,536	0.9
Total	8,978	100	1,356,033	100

Table for chart 2
MC - Completed cases

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Hearings	6,513	81.6	943,293	72.8
Discontinuances	733	9.2	168,873	13.0
Committals	305	3.8	85,274	6.6
Other disposals	430	5.4	98,732	7.6
Total	7,981	100	1,296,172	100

Table for chart 3
MC - Case results

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	5,371	82.0	776,343	82.0
Proofs in absence	949	14.5	116,300	12.3
Convictions after trial	182	2.8	37,869	4.0
Acquittals: after trial	44	0.7	14,848	1.6
Acquittals: no case to answer	6	0.1	1,656	0.2
Total	6,552	100	947,016	100

Table for chart 4
CC - Types of case

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Indictable only	123	20.7	28,121	24.8
Either way: defence election	28	4.7	15,851	14.0
Either way: magistrates' direction	182	30.6	37,771	33.3
Summary: appeals; committals for sentence	262	44.0	31,810	28.0
Total	595	100	113,553	100

Table for chart 5
CC - Completed cases

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	302	90.7	68,571	83.9
Cases not proceeded with	23	6.9	10,473	12.8
Bind overs	2	0.6	1,368	1.7
Other disposals	6	1.8	1,332	1.6
Total	333	100	81,744	100

Table for chart 6
CC - Case results

	Warwickshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	267	87.8	50,520	72.4
Convictions after trial	25	8.2	10,780	15.4
Jury acquittals	11	3.6	6,828	9.8
Judge directed acquittals	1	0.3	1,690	2.4
Total	304	100	69,818	100

Chart 1: Magistrates' Court - Types of case

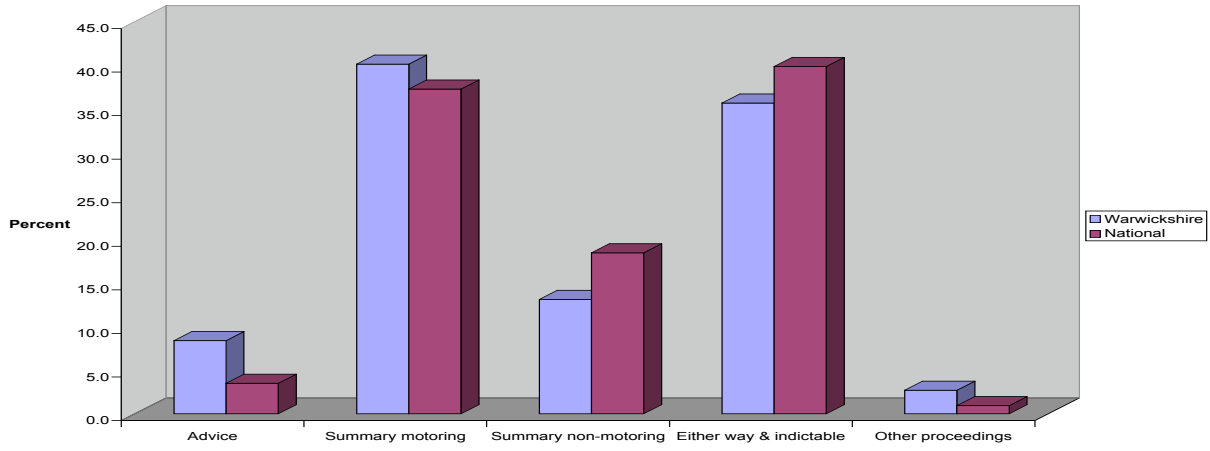


Chart 2: Magistrates' Court - Completed cases

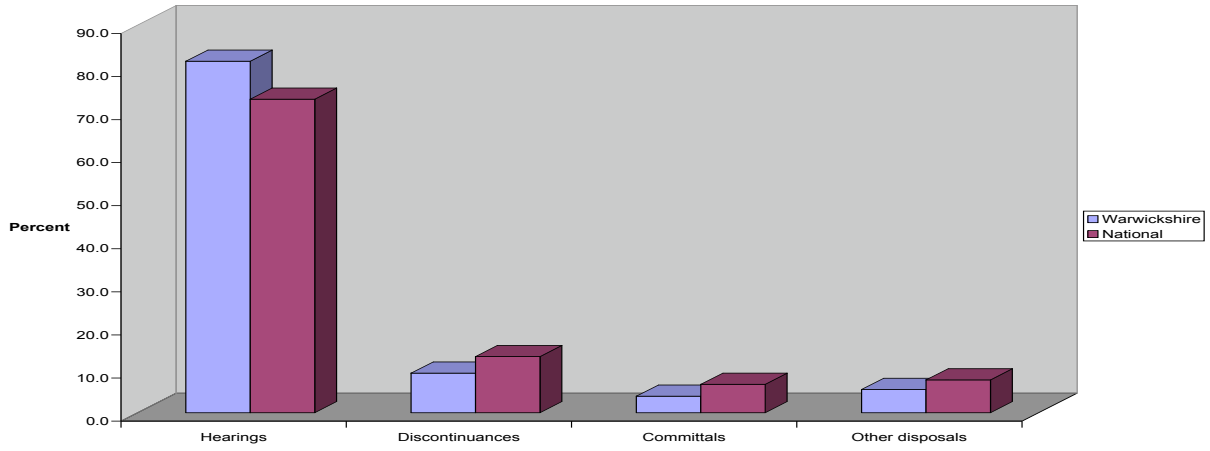


Chart 3: Magistrates' Court - Case results

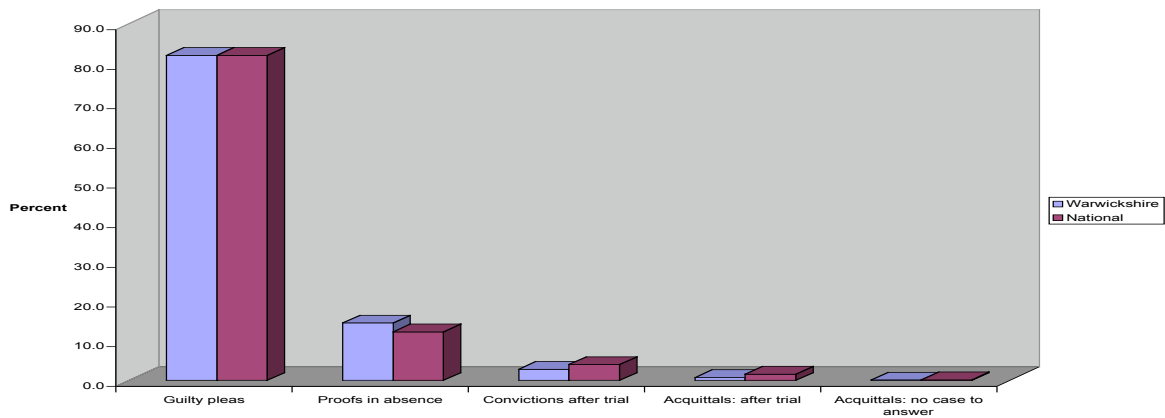


Chart 4: Crown Court - Types of case

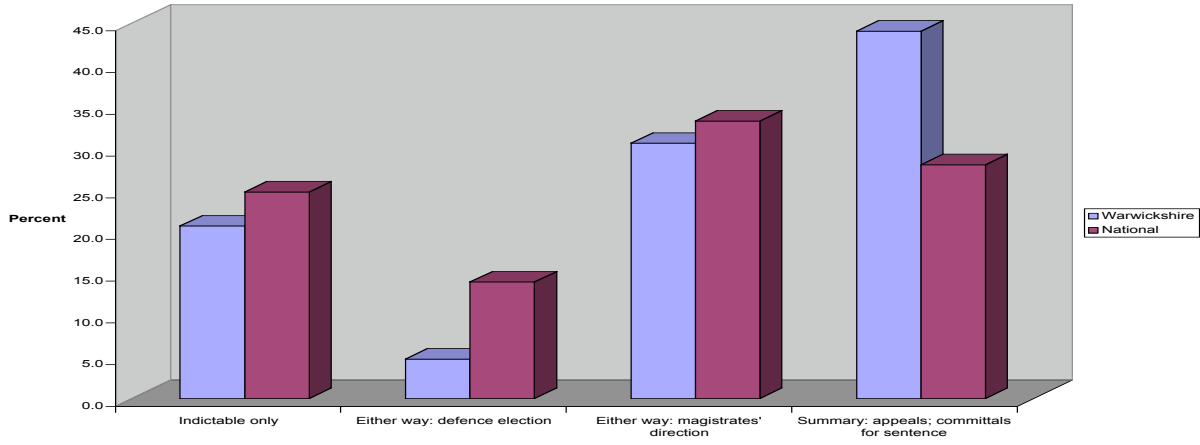


Chart 5: Crown Court - Completed cases

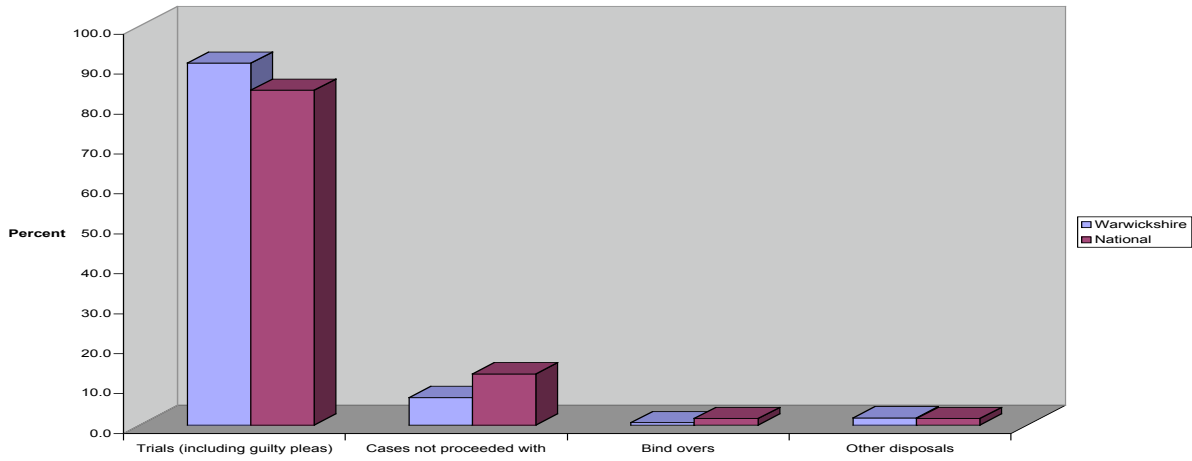
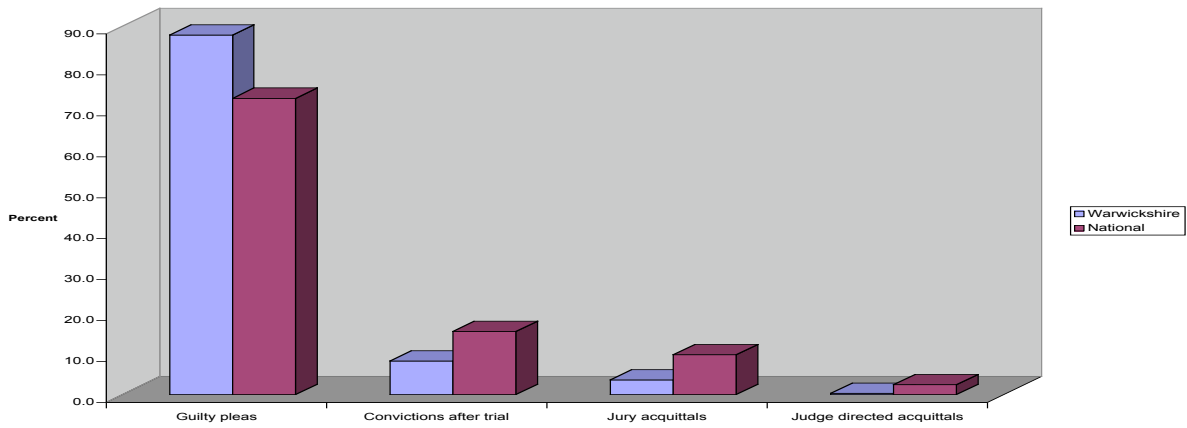


Chart 6: Crown Court - Case results



**LIST OF REPRESENTATIVES OF LOCAL CRIMINAL JUSTICE AGENCIES
WHO ASSISTED OUR INSPECTION**

Crown Court Judge

His Honour Judge Cole, Resident Judge, Warwick Crown Court

Chairman of the Magistrates' Court Committee

Mr N Boswell JP

Magistrates

Mr A Aucott JP, Chairman of the Nuneaton Bench
Mr A Butcher JP, Chairman of the Mid Warwickshire Bench
Mr I Cronin JP, Chairman of the Nuneaton Youth Panel
Mrs K Harvey JP, Chairman of the Rugby Youth Panel
Mrs S Howells JP, Chairman of the Mid Warwickshire Youth Panel
Mr K Martin JP, Chairman of the South Warwickshire Youth Panel
Mrs J Purves JP, Chairman of the South Warwickshire Bench
Mrs J Rutherford JP, Chairman of the Rugby Bench
Mrs C Walker JP, Chairman of the Atherstone/Coleshill Bench
Mr P Wheeler JP, Chairman of the Atherstone/Coleshill Youth Panel

Justices' Chief Executive

Mr M Eldridge

Justices' Clerk/ Director of Legal Services

Mr M Watkins

Magistrates' Court Staff

Mr R Overfield, Youth Courts Manager

Crown Court Manager

Mrs V Olorenshaw, Warwick Crown Court

Warwickshire Police

Mr J Burbeck, Chief Constable
Superintendent B Donley, Head of Judicial Services
Mr J Austin, Leamington Spa
Mrs S Buchta, Leamington Spa
Mrs J Clark, Leamington Spa
Mrs E Gilbert, Bedworth
Mrs S Honey, Leamington Spa
Mrs W Latham, Leamington Spa
Mrs M Robinson, Leamington Spa
Mr J Scott, Bedworth
Mr E Tomson, Leamington Spa

British Transport Police

Inspector Glyn Thomas

Probation Service

Ms E Stafford, Chief Probation Officer
Mr A Wade, Assistant Chief Probation Officer
Mr C Thompson, Area Probation Manager

Warwickshire Youth Offender Service

Ms D Johnson

Crime and Disorder Partnership

Ms J Sullivan

Victim Support

Mr R Lane

Witness Service

Mrs W Charles, Warwick Crown Court
Mr R Schofield, Warwick Crown Court

Warwick District Racial Equality Council

Ms A Kumari, Director

Counsel

Mr C Treacy, QC

Mr J Butterfield

Mr S Ward

Counsel's Clerk

Mr C Streeting, Criminal Clerk

Defence Solicitors

Mr P Freeman

Mr A Mathie

Mr R Ross

HM CROWN PROSECUTION SERVICE INSPECTORATE

Statement of purpose

To promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Aims

- 1 To inspect and evaluate the quality of casework decisions and the quality of casework decision-making processes in the Crown Prosecution Service.
- 2 To report on how casework is dealt with in the Crown Prosecution Service in a way which encourages improvement in the quality of that casework.
- 3 To report on other aspects of Crown Prosecution Service where they impact on casework.
- 4 To carry out separate reviews of particular topics which affect casework or the casework process. We call these thematic reviews.
- 5 To give advice to the Director of Public Prosecutions on the quality of casework decisions and casework decision-making processes of the Crown Prosecution Service and other aspects of performance touching on these issues.
- 6 To recommend how to improve the quality of casework and related performance in the Crown Prosecution Service.
- 7 To identify and promote good practice.
- 8 To work with other inspectorates to improve the efficiency and effectiveness of the criminal justice system.
- 9 To promote people's awareness of us throughout the criminal justice system so they can trust our findings.