



HM Crown Prosecution  
Service Inspectorate

# Review of the performance of the former Areas of CPS Yorkshire and Humberside

*Follow-up*

**February 2014**





# Review of the performance of the former Areas of CPS Yorkshire and Humberside

*Follow-up*

**February 2014**



**If you ask us, we can provide this report in Braille, large print or in languages other than English.**

**For information or for more copies of this report, please contact our publications team on 020 7210 1197, or go to our website:**

**[www.hmcpai.gov.uk](http://www.hmcpai.gov.uk)**

## Chief Inspector's foreword

---

HMCPIS is committed to promoting improvement, and this principle is embedded in all our work. I am particularly aware that a follow-up inspection has a key role in helping the CPS focus on our recommendations, and I am pleased that Yorkshire and Humberside has responded to this approach.

In April 2011 as part of the national re-structure the former CPS Areas of Yorkshire and Humberside were combined to form a new CPS Yorkshire and Humberside Area. This has resulted in changes to the Area's management team and structures as shared functions were amalgamated. I am pleased that, even throughout this period of significant change, the newly formed Area put together an action plan and has been able to focus on some of the issues identified in our previous inspection in April 2011. The senior management team is using the findings of our inspection report and the recommendations made to direct action to improve performance.

In 2011 some aspects of delivery were rated as poor. Significant changes were needed to address some performance and cultural issues. The change in management structure, together with the combining of the two former Areas into one has acted as a catalyst for change. There is clear evidence that some of the new re-structuring has resulted in some progress in addressing some of the concerns we had.

Overall, the Area is moving in the right direction despite the huge upheavals and changes in management, processes, staff moves and other structural change. This change has resulted in uncertain times for staff because of the reduction in staffing levels. The senior management team will need to address this uncertainty if it is to continue to improve its performance and get the best from staff.



Michael Fuller QPM BA MBA LLM LLD (Hon)  
Her Majesty's Chief Inspector



# Contents

---

<b>Chief Inspector's foreword</b> .....	<b>i</b>
<b>1 Follow-up inspection context</b> .....	<b>1</b>
<b>2 Executive summary</b> .....	<b>3</b>
The development of CPS Yorkshire and Humberside.....	3
Managing performance.....	3
Decision-making and casework performance.....	4
Direction of travel.....	4
<b>3 Yorkshire and Humberside: progress against recommendations</b> .....	<b>5</b>
<b>Annexes</b> .....	<b>21</b>
<b>A Progress against recommendations</b> .....	<b>21</b>
<b>B Key performance outcomes</b> .....	<b>23</b>
<b>C ACEP file examination findings</b> .....	<b>25</b>
<b>D Methodology</b> .....	<b>27</b>
<b>E Glossary</b> .....	<b>29</b>





# 1 Follow-up inspection context

---

1.1 This report sets out the findings of Her Majesty’s Crown Prosecution Service Inspectorate’s (HMCSI) visit following on from a previous inspection of CPS Yorkshire and Humberside which was conducted in early 2011. The follow-up visit took place in June 2013.

1.2 The Yorkshire and Humberside Group was formed in 2009 from two smaller groups, one of which comprised CPS North Yorkshire and West Yorkshire Areas and the other comprised of CPS South Yorkshire and Humberside Areas. The 2011 inspection assessed the Group and Area based functions separately. Area based functions confined themselves to West Yorkshire and South Yorkshire. The findings of our 2011 inspection were:

Group based functions		
Governance	Good	
Pre-charge decision-making	Poor	
Area functions		
	West Yorkshire	South Yorkshire
Casework quality	Poor	Fair
Efficiency	Fair	Fair

1.3 No overall score was given of combined Group functions or for each Area. Inspectors made seven broad recommendations which addressed weaknesses in the then Yorkshire and Humberside Group, and the then West Yorkshire and South Yorkshire Areas. In this follow-up inspection, the recommendations specifically relating to South and West Yorkshire have been combined to take account of the new structure.

1.4 At the time of the original inspection in 2011 the CPS announced a national restructure, to take effect from 1 April 2011. The pre-existing group structure, each of which contained one or more geographical CPS areas which were aligned to police force boundaries, was replaced by 13 CPS areas each headed by a Chief Crown Prosecutor (CCP). The geographical boundaries of the new areas remain unchanged from those of the previous group structure.

1.5 The original inspection referred to the Group and Areas which existed under the CPS structure pre-1 April 2011. For the purposes of this follow-up report we refer to the Area (formerly Group) and districts (formerly Areas).

1.6 After the 2011 inspection the Area prepared an action plan to address our recommendations and other aspects which required improvement. The Area has been late in addressing these issues owing in part to the re-structuring.

1.7 The aim of the follow-up inspection is to provide a view of progress made against those recommendations, the direction of travel and current performance. The follow-up inspection also takes into account the capacity of the newly formed Area to address our findings following on from the significant structural changes that have been made within the CPS generally and within Yorkshire and Humberside itself.

---

**1.8** A summary of progress against each recommendation can be found at annex A. We have rated the Area's response to each recommendation using the following measures and the results appear in chapter 2:

- **Achieved** – the Area has accomplished what was required
- **Substantial progress** – the Area has made real headway in taking forward its planned actions in relation to the recommendation
- **Limited progress** – the Area has done something to address the recommendation
- **Not progressed** – the Area cannot demonstrate any progress
- **No longer applicable** – where there has been a change in circumstance such as Area restructuring or the implementation of a national initiative

**1.9** There has been some rationalisation of structure since the last report including the merger of the two Complex Casework Units (CCUs) and the reduction from two Group Operational Centres (GOCs) to one Area Operational Centre (AOC).

**1.10** The Area has undergone extensive restructuring since the inspection in 2011 in order to maximise efficiency in light of the comprehensive spending review<sup>1</sup>, including making savings in its estates budget. The North and West Yorkshire offices have been merged. There are now fewer staff based in York as most posts moved to the Leeds office, along with all staff from the now closed Bradford site. Grimsby has also closed with staff joining colleagues already based in Hull, although this office in turn is due to move location later in the year. In addition the case finalisations and prosecution

fees teams have been centralised in Sheffield and the Area is intending to move all Victims Right to Review<sup>2</sup>, complaints and Victim Information Bureau<sup>3</sup> work there as well.

**1.11** The Area decided that better utilisation of Crown Advocates (CAs) could be achieved by forming a centralised Crown Advocates cadre. CAs were invited to become a member of this cadre or revert to their Senior Crown Prosecutor status, which resulted in a number reverting. The cadre has 56 CAs located in Sheffield, Hull and Leeds who are line managed by a Unit Head based in Leeds.

**1.12** The Area had one Rape and Serious Sexual Offences (RASSO) unit at the time of the last inspection which was based in Leeds and dealt with allegations of rape and serious sexual offences in West Yorkshire. Since the merger of North and West Yorkshire the unit now also covers allegations and offences from North Yorkshire. RASSO cases in South Yorkshire and Humberside are currently dealt with by rape specialists in the two districts but there were plans at the time of the inspection to form a RASSO unit in the autumn, based in Humberside, to handle allegations and offences in both South Yorkshire and Humberside. The reasoning is that this will have the added benefit of leading to a more joined-up approach to the handling of such cases by the Area and the four police forces which refer cases to it.

**1.13** A detailed account of the methodology used to gather evidence and data can be found at annex D.

---

<sup>1</sup> Since 1998 the Government has set out its plans for departmental spending in a Spending Review. Comprehensive Spending Reviews set firm and fixed expenditure limits for government departments for a specific time period.

---

<sup>2</sup> Victims Right to Review Scheme (VRR) gives the victim of a crime the right to seek a review of any CPS decision not to charge a person suspected of committing that crime or any decision to withdraw a charge.

<sup>3</sup> Victim Information Bureau (VIB) provides ongoing information and support to victims after a case has been charged.

## 2 Executive summary

---

### The development of CPS Yorkshire and Humberside

2.1 Yorkshire and Humberside were two separate Areas sharing Group functions at the time of the last inspection. We assessed West and South Yorkshire as individual Areas and the Group functions separately. The CPS nationally has restructured former areas that made up a group into one larger area, headed by one CCP. The former Yorkshire and Humberside Group is now known as Yorkshire and Humberside Area.

2.2 Most of the operational and management structures in place at the time of the last inspection no longer exist. The Area has undergone a very significant period of change as a result of the national requirement to reduce budget allocation under the 2010 Comprehensive Spending Review (CSR) and to increase efficiency savings and reduce senior management posts by 25 per cent.

2.3 The decisions made by the senior management team, in consultation with unions and staff, have been robust. The North and West Yorkshire offices have been merged. There are now fewer staff based in York as most posts moved to the Leeds office, along with all staff from the now closed Bradford site. Grimsby has also closed with staff joining colleagues already based in Hull, although this office in turn is due to move location later in the year. In addition the case finalisations and prosecution fees teams have been centralised in Sheffield and the Area is intending to move all Victims Right to Review, complaints and Victim Information Bureau work there as well. Whilst these changes have not been unanimously popular, they are generally accepted as necessary and staff have on the whole embraced them.

### Managing performance

2.4 The 2011 inspection highlighted weaknesses in performance management and oversight of quality. Systems were not robust enough to assess individual performance and inform the performance development review (PDR) process. Since the last inspection the senior management team have taken the opportunity provided by the significant restructure of operations and functions to embed a more robust performance culture and improve quality assurance measures. The PDR process has been strengthened, including the introduction of personal portfolios allocated for staff to record learning and progress, which then feeds into the six monthly PDR process.

2.5 There has been a better focus on improving the quality of the core quality standards monitoring (CQSM) but the Area acknowledges that file quality still needs to be improved and that not all individuals are performing at the desired level. The CQSM data is now being more actively used by managers and issues and learning points are now routinely identified and fed back to individual lawyers where appropriate.

2.6 The Area accepts that its primary focus since the last inspection has been to stay within budget and to reduce costs where possible. This is because of the financial constraints put on CPS areas nationally owing to the 2010 CSR. To that end, it has succeeded in staying within budget and has been in the position to give some of the budget back to Headquarters. The Area accepts that they have not given the same level of attention to the quality of casework.

## Decision-making and casework performance

**2.7** Overall there has been limited improvement since the last inspection on the recommendation relating to the quality and standard of casework decision-making and casework progression. Now that the senior management team have been allotted their areas of responsibility, the Area needs to focus efforts on implementing the measures outlined in its action plan to bring about continued and consistent improvement in the standard and quality of decision-making and case management.

**2.8** There have been significant improvements in the management and performance of the CCU since the last inspection.

## Direction of travel

**2.9** Overall, the Area is moving in the right direction despite the huge upheavals and changes in management, processes, staff moves and other structural change. This change has also been embedded in uncertain times of reducing staff numbers. There are significant issues of staff morale and communication with external partners that need to be urgently addressed to enable the Area to effect continued improvement.

Yorkshire and Humberside: progress against recommendations		Position as at July 2013
1	Senior managers take action to improve casework and decision-making standards, supported by an effective system of personal performance assessment, which is used to provide feedback and secure improvement	Limited progress
2	As part of the post-merger implementation review the Complex Casework Unit should assess objectively the proportion of its caseload which is non-Blueprint work, and the Chief Crown Prosecutor should in the light of that assessment: <ul style="list-style-type: none"> <li>• assess whether non-Blueprint work should be transferred to other Area units</li> <li>• determine whether the unit is appropriately resourced; and</li> <li>• if appropriate, redeploy unit resources</li> </ul>	Achieved
3	The Area needs to improve the standard of legal decision-making at the charging stage including the consideration and recording of reasoning, strategy, ancillary matters and information for prosecutors	No longer applicable
4	The Area needs to drive significant improvement in decision-making through a strengthened performance management regime	Limited progress
5	The Area needs to review urgently its case progression systems and processes to ensure that the focus is on quality. Work is particularly needed to ensure full compliance with disclosure duties and the Area custody time limit standards	Limited progress
6	The Area must work with the police to develop a shared and agreed joint performance management regime and framework. Immediate priorities must be established that focus on improving the service offered and establishing key measures that will allow performance at the local level to be effectively held to account	Limited progress

## 3 Yorkshire and Humberside: progress against recommendations

---

### Recommendation 1

*Limited progress*

*Senior managers take action to improve casework and decision-making standards, supported by an effective system of personal performance assessment, which is used to provide feedback and secure improvement.*

**3.1** At the time of the last inspection performance management and oversight of quality was considered lacking and what existed was not robust enough to assess individual performance and inform the performance development review process. Qualitative measures were needed to support quantitative data.

**3.2** Since the last inspection the PDR process has been strengthened, including the introduction of personal portfolios allocated for staff to record learning and progress, which then feeds into the six monthly PDR process. The PDR system is now regulated by the Area Operations Centre (AOC) which has ensured that completion of the process is high. The AOC also completed an assessment of PDR quality, ensuring that objectives are SMART<sup>4</sup> and feedback provided to managers where there were issues. However this process has yet to become fully effective as the numbers and types of objectives (team, individual and development focussed) still vary significantly across the Area and there are instances where development objectives, specifically focussed on improving quality, are not being supported by the Area. For example advocates with objectives to improve advocacy skills and performance are not always given the opportunity of relevant court experience to enable them to achieve this.

**3.3** There has been a focus on improving the quality of the CQSM process and staff and managers in interview generally consider it to be a far truer reflection of the quality of case files. The Area acknowledges that file quality still needs to be improved and that not all individuals are performing at the desired level. The response of prosecutors whose cases had been through the process was that they felt CQSM is now being more actively used by managers and issues and learning points are now routinely identified, with feedback given to individual lawyers where appropriate.

**3.4** The Area has increased its attention on training for generic topics. A manager is now allocated to lead on training and the Area has increased the level of one to one training provided. This has included topics such as digital working which is also supported through the establishment of “super users” to provide hands on support. Others have included RASSO, domestic violence and dealing with bereavement. Crown Advocates are centralised in the Crown Advocate cadre and they are deployed according to grade and experience. Measures have been put in place to provide support according to the needs of the advocate, including mentoring, shadowing and additional training. They have attended training at the local chambers to help broaden their advocacy skills, which has additionally led to an improved liaison with the Bar.

**3.5** There is also a national mandatory management staged development training programme for all managers covering various leadership, management and performance issues. Feedback from staff was generally positive although a formal assessment of the effectiveness of the programme has yet to be made.

---

<sup>4</sup> A mnemonic used in project and personnel management, stands for Specific, Measurable, Attainable, Relevant and Time-bound.

**3.6** The Area is committing centralised support for management to help ensure consistent application of its Human Resource (HR) policies including PDRs. It has been recognised by the Area that the consistent application of its HR policies has been a long standing challenge for staff and managers. Against a backdrop of the loss of all staff and managers, 12 per cent in the last two years, including 30 per cent of its senior management resource, the Area set up a centralised team of HR professionals, Management Support and Advisory Service (MSAS). They provide support to managers in resolving issues, schedule formal action, draft communications and work with managers to provide a consistent approach in line with agreed policies. This support facility is now providing managers with more time to focus on day to day issues and file quality. They are actively performance managing their staff, supported by MSAS and a number of staff are currently subject to Personal Improvement Notices (PINs) designed to improve individual performance.

**3.7** Whilst it is apparent from these findings that the Area has implemented systems which are much more robust than at the time of the last inspection, those processes have not yet resulted in a substantial improvement in the standard and quality of casework, as demonstrated by the findings of our annual casework examination programme (see recommendations 3 and 4 below for details).

**3.8** At the time of this inspection communication was raised as a concern by staff across the Area. Staff in South Yorkshire reported that they felt isolated and unsupported by their managers and that there was a lack of routine formal and informal management contact. Those in West Yorkshire considered that the method of communication was not always effective. The differing views expressed within the Area suggest a marked difference in the communication of performance and updates on changes at the operational and strategic level. There was a general awareness of systems aimed at facilitating staff communication such as the “communications portal” however this was not accessed by many staff (about 30 per cent).

**3.9** Senior management’s view is that communication across the Area has significantly improved, however this is not supported by the staff survey results. The 2012 survey did show a three per cent improvement in engagement but results from the 2013 interim survey show that in fact this has now reverted back to previous levels. The interim survey also highlighted that the proportion of staff who thought “my manager helps me understand how I contribute to the CPS’s objectives” deteriorated by seven per cent, in addition to a seven per cent reduction in the proportion of staff who believed they had the opportunity to influence decisions that affect their work.

## Recommendation 2

Achieved

*As part of the post-merger implementation review the Complex Casework Unit should assess objectively the proportion of its caseload which is non-Blueprint work, and the Chief Crown Prosecutor should in the light of that assessment:*

- *assess whether non-Blueprint work should be transferred to other Area units*
- *determine whether the unit is appropriately resourced; and*
- *if appropriate, redeploy unit resources*

**3.10** At the time of the last inspection, the Area had only just merged the previously separate units based in Leeds and Sheffield into one comprehensive Yorkshire and Humberside CCU accepting cases from all four aligned police forces<sup>5</sup>. It was too soon to make any judgements in the original HMCSI report about the effectiveness of the merger.

**3.11** The unit's managers moved to align processes and systems within three months of the on-site phase of the last inspection, to ensure that those who had migrated into the unit from South Yorkshire were able to operate in the same way as their colleagues from West Yorkshire. This enabled allocation of cases accepted by the unit to be more equitably distributed and true account was taken of skills, experience and capacity to deliver high quality performance in casework appropriate for its profile.

<sup>5</sup> North Yorkshire, South Yorkshire, West Yorkshire and Humberside Police forces.

**3.12** In response to this recommendation, two internal reports were prepared for the Area Strategy Board identifying the resources required to deliver its casework. The second report of May 2012 was supported by more comprehensive performance data and reflected a slight reduction in staffing levels in line with cuts in the wider public service. The Area Strategy Board was persuaded to accept the thrust of the report that resourcing of the unit was commensurate with its caseload. Inspectors reviewed performance outcome data, CMS<sup>6</sup> reports of then current CCU cases awaiting charging decisions and cases listed for hearing over the four week period prior to going on-site. These all confirmed that the unit was observing the Blueprint criteria<sup>7</sup>.

**3.13** In the last inspection, there had been a broad interpretation of the CCU Blueprint criteria which meant that the unit was dealing with a number of inappropriate cases. It now applies the Blueprint to acceptance of new cases more strictly and only accepts those that either meet the criteria or are characterised by some other feature that requires the level of specialism or expertise only available within the unit. The unit's current caseload reflects this more selective approach. The former practice of retaining most

<sup>6</sup> Case management system (CMS) is the IT system used by the CPS for case tracking and management.

<sup>7</sup> The Blueprint for CCUs, which was drafted in 2007, was designed to assist Group Chairs to plan for and establish a CCU within their Group. The Blueprint is prescriptive in some respects defining what a complex case is, the expected gateway arrangements, operating models, financial arrangements, staff deployment, case management and communication issues. It was put in place to ensure consistency across the CPS whilst leaving some scope for flexibility to meet local needs.

cases where early advice had been given on international aspects of the investigation has also been modified, so that these are now returned to district prosecution teams once the international element has been concluded.

**3.14** Closer performance management has been introduced by establishing one to one meetings between the Unit Head and lawyers at six weekly intervals in order to discuss their allocated cases. A written record of these meetings, known as a case activity log, is entered onto CMS for each case and where necessary measures can be implemented to ensure that progress is maintained or that any delay is justified. The unit makes use of case management panels where issues of decision-making, resourcing, case management and media handling are discussed with the CCP and other key Area personnel. If followed routinely, these measures offer a better level of assurance to managers that serious casework is being handled appropriately in the Area.

**3.15** The CCU now collects and analyses its own performance data focusing on the proportion of successful outcomes achieved and comparing its results with other similar units nationally. These are used to inform discussion with the CCP at quarterly performance meetings with the unit's managers. Where any case is deemed appropriate for the use of leading counsel, the CCP is required to authorise this decision based upon the Unit Head's recommendation. The unit has revised its system for monitoring compliance with custody time limits so that it is consistent with the Area's standard and assurance reports are generated by the Unit Business Manager.

**3.16** Overall the unit has taken steps to ensure compliance with the recommendation and address all of the relevant aspects for improvement identified in the 2011 report. It was apparent that it had fared comparatively well in preserving resources in terms of staffing levels, but the Area was satisfied that the competent prosecution of these important cases warranted the investment of this level of resource.



### Recommendation 3

*No longer applicable*

*The Area needs to improve the standard of legal decision-making at the charging stage including the consideration and recording of reasoning, strategy, ancillary matters and information for prosecutors.*

**3.17** The 2011 inspection found that there was considerable scope for improvement in the quality of decisions made by lawyers at the time of charging. It examined 136 finalised files; 128 had been subject to charging advice, 24 of these by the Area. Most charging advice is now undertaken nationally by CPS Direct (CPSD) so this inspection has made no findings on decision-making at the charging stage.

**3.18** This follow-up inspection has considered whether any outstanding investigative work which was advised upon at the charging stage has been followed up and, if so, at what stage in the progression of the case. We also considered whether poor charging decisions had been identified by the Area in subsequent file reviews. If they had been we looked at whether that was early enough in the proceedings to take remedial action to save the case, or where this was not possible to discontinue proceedings at an early stage. Those findings are addressed under recommendation 5.

### Recommendation 4

*Limited progress*

*The Area needs to drive significant improvement in decision-making through a strengthened performance management regime.*

**3.19** The original inspection found that the Area had focussed on outcomes, and in particular avoiding discharged committals, to the detriment of the quality of casework. Senior managers are now routinely being held to account for performance. There are quarterly performance review meetings. The level of successful outcomes since the last inspection has declined in the Crown Court but improved in the magistrates' courts. The CCP and Area Business Manager have focussed on specific outcomes and the Area has made improvements where there has been this focus. For example the level of judge ordered acquittals (JOAs) is down and those cases which result in a JOA are subject to review and a report to the CCP. Specific follow-up is then made with level D managers where appropriate to identify problems and learning requirements and a similar approach is taken with all discontinuances. All rape acquittals are subject to a report which is sent to the Rape Scrutiny Panel to ensure performance is improved where necessary.

**3.20** The last inspection found that the quality of full file reviews was not meeting the required standard and that the recording of reviews was poor. Paralegal officers were reviewing magistrates' court cases under the mentorship of a lawyer who would sign off on the reviews and disclosure decisions. The recording of reviews was also poor in Crown Court cases where the lawyers check the prosecution papers or committal bundles which are prepared by paralegal officers.

**3.21** Post-charge decision-making remains a cause for concern. Paralegal officers are still deployed to review magistrates' court cases and lawyers are still assigned as mentors. Since March 2013, the Area has deployed lawyers in the magistrates and Crown Court hubs on a rotation basis for four months at a time. These lawyers also act as mentors. The Area's expectation is that having lawyers deployed on the hub permanently will ensure a level of consistency and improvement in the standard and quality of reviews.

**3.22** The findings from the annual casework examination programme (ACEP) file sample show that the primary reasons why reviews failed to meet the standard was because there was no recorded review on file or CMS where there should have been one, or the review was a 'copy and paste' of the MG3 case analysis with nothing to suggest that the strengths and weaknesses of the case had been considered afresh, or to suggest that there was still a reasonable prospect of conviction. The ACEP findings are at annex C.

**3.23** There were 31 cases across the whole Area where the charging advice fell short of the Code test and in 22 of those 31 (71.0 per cent) the reviewing lawyers failed to pick up on these Code test failures at full file review. The police had charged 32 cases in the ACEP sample of which four (12.5 per cent) did not comply with the Code. In two of those the reviewing lawyers had not carried out a proper case analysis to identify that there was insufficient evidence to sustain a prosecution.

**3.24** The quality of reviews in magistrates' court cases is poor. In Yorkshire and Humberside there was proper review in less than half of all magistrates' court cases compared to 61.9 per cent nationally. The Area fared better than the national average once cases had moved into the Crown Court where 54.5 per cent were reviewed properly compared to only 49.6 per cent in the national sample.

**3.25** The failure to carry out a proper case analysis meant that the reviewing lawyer failed to identify that one or more elements of the offence were missing. Without a proper review of the evidence there can be no effective case strategy which means that the opportunity to remedy any deficiencies in case analysis, management and/or progression is lost. The concern is that prosecutors in court are then working with inefficient files which carries the risk of impacting adversely on court proceedings and thereby victims and witnesses. A poorly prepared case could result in a delay in proceedings for inquiries to be made, further evidence to be sought or, worse case scenario, the case has to be discontinued.

**3.26** It is too soon to comment on the effectiveness of deploying lawyers permanently on the hub but the findings from the 30 files evaluated on-site would suggest that more needs to be done by the Area to ensure that the standard and quality of reviews improves. Of these 30 files, the case was reviewed properly in only 24.1 per cent of the magistrates' court and 54.5 per cent of Crown Court cases. The Area recognises that there remain issues around the quality of reviews and it may want to consider whether lawyers in the hub have adequate time to act as mentors for paralegal officers without compromising on the standard and quality of their work. The Quality

Programme Board<sup>8</sup> was charged with assessing reviews and producing guidance on magistrates' courts and Crown Court reviews which was disseminated to all staff to bring about improvement and consistency across the Area. The districts were holding workshops on the back of the guidance for Associate Prosecutors, paralegal officers, lawyers and managers. The workshops were an ongoing stream of work at the time of this follow-up inspection and therefore no assessments could be made on whether they are effective in improving quality.

**3.27** Performance in relation to RASSO cases has improved. At the time of the last inspection there were unacceptable delays in providing charging advice, which resulted in a backlog and there was inadequate consideration of special measures and other ancillary applications in some cases. Bradford rape specialists assisted the RASSO team in dealing with the advice backlog through a recovery plan implemented by the Area in July 2012 in response to the findings of the last inspection. The backlog has now been cleared and the findings from the ACEP file sample confirm that special measures and other ancillary applications are now routinely considered. There is no dedicated administrative support for RASSO as staffing numbers do not permit but there is now a centralised registry which supports both magistrates' court and Crown Court hubs. There is a four week target date for answering police requests for advice. The team accept that they do not always meet the target but it acts as a trigger to ensure more proactive case management.

## Recommendation 5

*Limited progress*

*The Area needs to review urgently its case progression systems and processes to ensure that the focus is on quality. Work is particularly needed to ensure full compliance with disclosure duties and the Area custody time limit standards.*

### Case progression

**3.28** The standard of case preparation and progression was poor in the last inspection. We found that in many instances lawyers did not have a grip on the case and made no realistic assessments until far too late in its life, making it difficult to address any remedial issues. We also found that there was significant room for improvement in the handling of unused material and in application of the custody time limit standards.

**3.29** The 2011 inspection found that there was inactivity and drift between a not guilty plea being entered and the trial date, which meant that cases were not being progressed as they should have been. This was due in the main to the timing of full file reviews. There is a significant difference between the districts in respect of the timing of full file reviews relative to trial dates. South Yorkshire magistrates' court files are reviewed on average 3.2 days before trial and Crown Court cases 3.0 days before committal. In West Yorkshire magistrates' court files were reviewed on average 23.4 days before the trial date and Crown Court cases on average two weeks before committal. The Area draws on lawyer resources from South Yorkshire to assist with file reviews in West Yorkshire and the move to digital working has made the implementation of this plan much easier, as staff do not have to physically move to different locations.

<sup>8</sup> The Area Quality Programme Board, headed by the Senior District Crown Prosecutor for Humberside, is charged with delivery of the Quality Programme. The Programme is in response to the 2011 inspection and its objective is to improve the standard and quality of casework decision-making.

**3.30** A system which facilitates an early review of cases upon receipt of the full file from the police would allow much more time for any remedial action to be done and for case management to be more effective. There is room for improvement and the timing of reviews in South Yorkshire should be carried out much earlier than they currently are to safeguard against any outstanding aspects of work being missed.

**3.31** Compliance with court orders was a major issue for Yorkshire and Humberside at the time of the last inspection and across the CPS nationally. The Area has invested resources in improving compliance with court directions in common with the CPS nationally. There is a dedicated case progression manager who carries out quality assurance checks on compliance and reports weekly on progress to the Senior District Crown Prosecutor (SDCP). Compliance across the Area was timely in just over half of the relevant cases. However, compliance was timely in only 26.7 per cent of the 2012 South Yorkshire ACEP cases and just under half in West Yorkshire compared to two-thirds in both districts in 2011. The judiciary report that compliance is improving and the CPS's data for the Area shows a consistent improvement to the point where it was ranked 2nd best performing nationally with 79.8 per cent compliance in the fourth quarter of 2012-13, compared to a national average of 59.3 per cent.

**3.32** There were significant concerns in the 2011 inspection with the standard of case preparation and progression and it is clear from the ACEP data that, although there has been an improvement in both districts, case progression remains an area for improvement. The 2011 inspection found that case progression was carried out in accordance with the Criminal Procedure Rules in just over a quarter of cases in both South and West Yorkshire. The findings from the ACEP sample are that the standard of preparation and progression was fully met in 51.0 per cent of the cases across the Area compared with the national average of 66.2 per cent. Case progression is much better handled in South Yorkshire (62.8 per cent) than in West Yorkshire (33.3) but as mentioned previously resources are being deployed to improve the timeliness of case progression in West Yorkshire.

**3.33** The handling of unused material is variable across the districts as well as across the Area. The 2012 ACEP file reading results show some improvements since the last inspection and Yorkshire and Humberside continues to move in the right direction in some aspects, but there is still significant room for improvement. In the ACEP file sample the rate of compliance with initial disclosure duties across the Area did not differ from the national rate of 77.3 per cent. Both West and South Yorkshire have shown significant improvement in the handling of initial disclosure. West Yorkshire complied with initial disclosure in 79.9 per cent of cases compared with 50.0 per cent in 2011 and South Yorkshire in 87.8 per cent, compared with 34.5 in 2011. The main issues remain the quality of the reviewing lawyers' endorsements and the failure of the prosecutor to challenge the police about inadequate

descriptions of material before completing initial disclosure. There has clearly been an improvement in quality but timeliness for initial disclosure, although slightly above the national rate of 82.1 per cent, has dropped since the last inspection to 84.3 per cent overall. West Yorkshire was timely in 94.4 per cent of cases, which is slightly better than 2011 when the figure was 91.0 per cent, but South Yorkshire was timely in only 54.5 per cent which is much worse than in 2011 when it was 79.3.

**3.34** In the 2012 ACEP file sample compliance with continuing disclosure duties was only 60.4 per cent compared with 77.1 per cent nationally. Quality and timeliness are again better in West Yorkshire where there was compliance in 64.1 per cent of cases compared with 47.1 in South Yorkshire. The rate of timeliness in continuing disclosure is worse than the national rate of 72.7 per cent. West Yorkshire was timely in only 53.1 per cent and South Yorkshire in 41.7. More needs to be done to ensure consistency of quality and timeliness across the Area.

**3.35** Sensitive material was dealt with properly in 71.4 per cent of relevant ACEP cases which is an improvement since 2011 and is not far removed from the national rate of 75.7. In 71.4 per cent of the remaining cases the issue was simply a failure to properly endorse a blank MG6D which should have been done at the time that the unused material was reviewed. The items on the MG6D in the remaining cases illustrate a lack of understanding by police and prosecutors about what constitutes sensitive material. In December 2012 an Area Disclosure Group was tasked with improving awareness and performance. CQSM looks at disclosure and identifies aspects for training.

**3.36** The disclosure record sheet (DRS) should provide a clear audit trail of decisions made but this was found in only 61.6 per cent of relevant 2012 ACEP cases compared with 62.9 per cent nationally: 77.2 in West Yorkshire and only 43.9 in South Yorkshire. There remains a failure to fully record decisions made in relation to disclosure and the reasons for the decisions. The main issues with the remaining 38.4 per cent of cases were that they only contained a record of the initial action(s), only the header of the form was completed, or there was no DRS on the file or CMS.

**3.37** There were no cases in West Yorkshire or South Yorkshire which demonstrated a failure to disclose undermining or assisting material. This is much improved on 2011 when the districts had three and five cases respectively.

**3.38** There has been a significant improvement in the quality of file endorsements and file housekeeping in South Yorkshire since the last inspection, but there is room for further improvement in West Yorkshire to provide a clear audit trail of all actions taken in the life of a case. File endorsements and housekeeping were accurately and appropriately maintained in 61.4 per cent of ACEP cases across the Area compared to 63.3 per cent nationally. South Yorkshire exceeded the national average with 85.7 per cent compared with only just over half of cases in West Yorkshire. Proper file management ensures that the lawyer in court is able to clearly identify what work has been done and when and what work remains.

---

**3.39** The percentage of cases correctly recorded on CMS was 75.9, which is marginally below the national average. The main issues were a failure to record reviews and other key events on the file and CMS. The findings are better than 2011 for both districts but as the CPS is working towards paperless prosecutions, it is even more important that there is a clear audit trail on CMS. In the move to full digitisation the Area introduced, in February 2013, digital hearing record sheets for magistrates' court cases. This should reduce the risk to effective case management and progression as they have to be completed at the conclusion of the court hearing straight onto CMS.

**3.40** Yorkshire and Humberside has had a history of custody time limit<sup>9</sup> (CTL) failures but their management of has improved since 2011. There is an increased focus on these cases since the 2011 inspection. There is a CTL Champion based in Hull and District Champions in Sheffield and Leeds who carry out file sample process checks. The Area has also set up a CTL Board which includes the CCP and Deputy Chief Crown Prosecutors (DCCPs). This meets regularly to discuss and identify performance issues.

**3.41** Each district has a process in place for monitoring CTLs but there is no consistency. In West Yorkshire cases are allocated to lawyers and the required checks are recorded in a central diary. In South Yorkshire cases are only allocated to lawyers upon a not guilty plea for the volume (non-serious crime) cases. In addition, the required CTL checks are recorded by individual lawyers in their own diaries, not in a central diary. Sample checks of diaries in West

Yorkshire by inspectors found that other than a small number of checks not being identified as carried out, all the cases were appropriately recorded in the diary. In South Yorkshire, of the five cases checked one which should have been allocated had not been and the required CTL checks were not recorded. In one case the lawyer who the administration clerk believed had been allocated the case had no record of the allocation and therefore no checks had been scheduled. The Area Strategy Board recognised<sup>10</sup> that it would be desirable to harmonise these processes to ensure consistency. The plan was to do so in conjunction with the roll-out of digital working but there is no evidence of this change yet and the Area may want to prioritise this action point to minimise the risk of any CTL failures in the future.

**3.42** At the time of the 2011 inspection there were significant issues with acknowledging and managing correspondence and the timeliness of responses. A walk through of the processes in place in the hubs found that correspondence is now better managed but the districts still have differing amounts of correspondence outstanding. Criminal justice partners still raise frustration at correspondence not being addressed in a timely manner, or not at all, but report that things are not as bad as they were in 2011. The focus for the Area since the last inspection has been on clearing the backlog but there is still overdue and escalated correspondence in both West and South Yorkshire. Defence offers of pleas and opportunities to address case progression issues are lost if correspondence is not dealt with expeditiously or at all. The 2012 ACEP file

---

<sup>9</sup> The time set down by law for keeping a defendant in custody awaiting trial.

<sup>10</sup> Minutes of 12 May 2012 ASB meeting.

sample revealed that more could have been done to avoid the trial listing, e.g. by canvassing pleas or accepting offers, at an earlier stage in just under a quarter of cases. In South Yorkshire all three of the non-effective trials in the ACEP sample could have been avoided by prosecution actions compared to 66.7 per cent of the non-effective trials in West Yorkshire.

**3.43** The 2011 inspection identified the following two aspects of casework as areas for improvement.

#### **Delivery at court**

**3.44** Criminal justice partners remain concerned that issues in preparation are impacting on how efficiently cases are dealt with at court, in particular tackling actions that are required to prepare and strengthen cases for trial in a timely fashion or at all.

**3.45** Instructions to advocates were of a sufficient standard in only 41.0 per cent of cases across the Area but this represents a move in the right direction. There has been a marked improvement in West Yorkshire where the standard was sufficient in 60.0 per cent of relevant cases compared with just 30.0 in 2011. However, in South Yorkshire there has been a marginal decline to 34.6 per cent compared with 35.9 in 2011. The significant issues continue to be a lack of proper case analysis and strategy or instructions on pleas.

**3.46** Inspectors conducted very limited court observations in this follow-up inspection. These were in relation to the case progression issues addressed above and not the quality of advocacy.

**3.47** In the original inspection court users expressed frustration at the lack of robustness in case progression at court by Associate Prosecutors and agents because they were not in a position to challenge the defence, or get agreements on the evidence and standard directions. They have to contact a prosecutor at the CPS office which would cause delay or lead to the case being stood out or adjourned. Agents are now more widely used in magistrates' courts across the Area, particularly in the outlying courts. The benefit of this is that lawyers do not have to spend a lot of time travelling to and from court and their time can be better used in case management in the hubs. The Area is attempting to address the concerns raised in the 2011 inspection by having a duty prosecutor available to address telephone calls from court.

**3.48** The Early Guilty Plea (EGP) scheme is in place in Leeds Crown Court and it is anticipated that it will soon be operational in Sheffield Crown Court. Senior Crown Prosecutors have expressed concern about becoming de-skilled in advocacy. The advent of this scheme means that they are doing more preliminary hearings now and not as many trials as they have in the past. There is a friction, across the CPS, between providing advocates with quality work to enable them to improve their advocacy skills and efficient fees savings. There is an increased risk that CPS advocates will become de-skilled because of the infrequency of advocacy and the lack of consistent exposure to contested court work.

### **Outcomes for users**

**3.49** The 2011 inspection found that the service to victims and witnesses was not being provided at a consistent level. In many cases applications for special measures were not timely and victim personal statements were not made or used as often as they should have been. Victims were not always informed when the case had been stopped or the charge(s) reduced and, where an explanation was provided, the quality and accuracy of information was variable. Further, victims were often not consulted where the defence were offering pleas and even if they were, this was often was not recorded.

**3.50** The views of victims were sought in less than half of relevant ACEP cases (the same as the national average), where the prosecution were deciding to discontinue one or more charges, accept lesser pleas or take a basis of plea. Victim's views were sought in 40.9 per cent of relevant West Yorkshire cases which is an improvement compared to one third of cases in 2011. However there has been a marked downturn in performance in South Yorkshire where views were sought in only 14.3 per cent of their cases compared to half of all relevant cases in the 2011 file sample. Although performance has improved in West Yorkshire it is clear from the findings that there is an inconsistent approach which the Area needs to address in order to ensure equality of treatment to victims within its geographical area.

**3.51** Prosecutors are required to communicate with the victim of a crime after a charge had been dropped or substantially altered. Communication with victims was timely in 49.2

per cent of relevant cases compared to 62.3 per cent nationally. Communication was timely in 64.0 per cent of West Yorkshire cases but this is a significant decline in timeliness since 2011 when the figure was 83.0 per cent of relevant cases. Communication in South Yorkshire was timely in only 41.7 per cent of cases which is also a decline in performance where in all but one of 14 relevant cases in 2011 there had been timely communication with the victim.

**3.52** The quality of letters was also variable in that the standard was fully met in 62.0 per cent of the applicable cases, which is better overall than the national average of 58.5 per cent. The standard was fully met in 66.7 per cent of relevant South Yorkshire cases but in only 55.6 of West Yorkshire's. There has not been much improvement in West Yorkshire as in 2011 the standard was met in just over half of relevant cases, but there has been a decline in South Yorkshire where the figure was 76.9 per cent. Although there has been some improvement in the quality of these letters since the last inspection, quality and timeliness remain areas for improvement.

**3.53** The imposition of conditions on bail and remands in custody were appropriately sought to protect victims and witnesses in nearly all cases where a risk to their wellbeing existed. The judiciary report that special measures applications are properly made and are timely, which is borne out by the results from our ACEP file sample where special measures and ancillary applications were correctly considered in all relevant cases. The judiciary also report that there are victim personal statements in the more serious cases.



## Recommendation 6

*Limited progress*

*The Area must work with the police to develop a shared and agreed joint performance management regime and framework. Immediate priorities must be established that focus on improving the service offered and establishing key measures that will allow performance at the local level to be effectively held to account.*

**3.54** The 2011 inspection found that tensions existed in the working relationships between the CPS and the police. The Area felt that it was being let down by the service provided by the police and, conversely, the police felt that inconsistent advice, multiple requests for information and poor decision-making was making it difficult for them to do their job effectively. There was evidence to support both of these views. In addition, joint performance data collected was not being used in a consistent and effective way to help improve service delivery.

**3.55** The West Yorkshire Criminal Justice Board clearly identified key objectives in its Strategic Action Plan 2008-11 covering effectiveness, efficiency, communication and performance. The responsibility for leading on these issues was, and continues to be, assigned to the Efficiency and Effectiveness sub board. Efficiency and Effectiveness members have confirmed that performance data supplied and used by the sub board is now far better focussed and is helping the sub board identify issues that require improvement. For example road traffic issues and an increased focus on victims throughout the process have been highlighted for improvement and monitoring. This should increase the likelihood of the Board achieving these key objectives.

**3.56** There is now a clearer, consistent and much improved strategic approach between key criminal justice partners. As a consequence of changes in senior management across the CPS and partner organisations, there has been an improved openness to joint working which has led to a more joined-up strategic approach across the Area, supported by regular meetings between key criminal justice partners. Despite strong resistance from the police forces in the Yorkshire and Humberside Area to a regional police approach, the strategic links with the forces and senior CPS staff are now much improved and better aligned. The DCCPs and SDCPs attend the Efficiency and Effectiveness sub board meetings and the local criminal justice board meetings. Contact with the courts and district judges is achieved through the DCCP's attendance at the Justices Issues Group (JIG) meetings and the DCCPs and SDCPs have regular contact with justices at the Bench Chair Meetings.

**3.57** Improved relations and working with the courts has prompted South Yorkshire LCJB sponsored, court-led "lean systems thinking" joint work to review and improve key processes. This work has recognised that the current position of having an additional case management hearing is not sustainable and identified problems around the completeness of Case Management Forms. This work has involved the courts, police and the CPS and, although a courts led exercise, the CPS have been active partners. A fully effective first hearing is key to the improvements needed. The work identified a number of immediate actions which were quickly implemented and a number of issues that require longer term work. The partners are currently working on a range of "work packages" led by various individuals aimed at achieving the improvements required.

**3.58** Despite the improvement of approach at a strategic level this is frustrated at the operational level where there is a lack of responsiveness and continuity, which has allowed a range of issues to negatively impact on joint working. Contact and communications between partners and CPS staff is of concern, especially in West Yorkshire. Criminal justice partners in South and West Yorkshire experience problems in day to day contact with CPS staff either by telephone or e-mail. This includes slow or non-existent responses by the CPS.

**3.59** South Yorkshire police have Criminal Justice Unit (CJU) staff co-located with the CPS in Sheffield and so individual queries can usually be resolved by seeking out CPS staff. However, this will not be possible following the planned location changes. CJU staff in West Yorkshire who are not co-located are having significant problems in establishing effective contact with CPS staff. Overall e-mail response by the CPS is poor. Overall the problems experienced are causing frustration among police partners and chasing unresolved problems is causing unnecessary additional work.

**3.60** Strategically the police and CPS have agreed on the principal of proportionate file builds. However, operationally this principal is not being adhered to. Police CJU staff are still routinely getting file upgrade requests in the form of "Full File needed" and often different lawyers request different file evidence as the file review changes hands between CPS staff. Police staff are routinely getting requests for information already sent digitally to the CPS which they are having to resend in paper form as the police system prevents the same information being sent twice digitally. This adds to the frustrations of file overbuild and ineffectiveness.

**3.61** Communication issues in relation to witness notification are a cause for concern for criminal justice partners as in both districts witnesses are being called to court unnecessarily and also not being notified of trial changes and cancellations. It is understood that the Area has been notified of these issues, initially by a document scheduling various examples in West Yorkshire where witnesses were being called for trials the following day and also examples where witnesses were not de-warned for trials that had been vacated. Such issues are now routinely forwarded by South Yorkshire and West Yorkshire police to the CPS but as yet little improvement has been made.

**3.62** Whilst it is recognised that file transfer problems between systems is a national issue, this is still having an impact locally. Files sent electronically between police forces and the CPS are not being transferred effectively. As a consequence CPS lawyers and administration staff spend significant and unnecessary time having to re-arrange the digital files by opening them to identify documents, rename and put the files into a "workable" state to enable an effective review and prosecution. This is resulting in ineffective duplication and re-work.

### **Other issues**

**3.63** During the inspection other issues were identified which, whilst not relating specifically to the recommendations made, are issues considered noteworthy.

**3.64** Despite the Area aiming to be at the forefront in the adoption and application of digitisation of case files and presentation, some advocates are circumventing the process by routinely printing out digital case files. Administration staff in South Yorkshire are regularly requested by some lawyers to print off case files or lawyers are converting the digital files into hard copy themselves. There is clear resistance by some advocates to prepare and present cases from digital files on tablet computers. This approach is causing unnecessary and wasteful printing costs in the Area and is further compounded by papers being freshly re-printed at each subsequent hearing. This practice completely counters the ethos of digital working and abstracts staff unnecessarily.

**3.65** The Inspectorate have concerns around the sustainability of the current level of agent spend. In 2012-13 Yorkshire and Humberside spent £779,205 on agents. In 2013-14 the budget for agents is £449,675 against which the Area has estimated a year end spend of £508,287 (a £59,000 overspend). In the first two months of 2013-14 agent spend was around £70,000 per month, consequently for it to achieve a year end spend of £508,287, it now needs to reduce this monthly spend figure by just under half, to £37,000 for each remaining month in 2013-14, and there appear to be no effective plans to do this.

**3.66** Nationally the CPS has given areas extra budget to cover lawyer abstraction for digital training. Some of this budget has been used efficiently to put agents in outlying courts rather than deploy in-house prosecutors. However, Yorkshire and Humberside has utilised this time available to the prosecutors to clear backlogs in the hubs instead of providing the required digital training. Despite this the Area indicated they are confident that they will be able to train their prosecutors. It is not however clear how this will be achieved.

**3.67** In 2012-13 the Area succeeded in improving its performance in relation to the proportion of files finalised within one day, but its annual average was still significantly less than the national average. From April 2012 to the financial year end the Area improved its finalisations within one day from 20.3 per cent to 59.6. However, as this improvement did not have a significant impact until the final quarter, the average of 40.0 per cent was still significantly below the national average for 2012-13 of 66.3. The Area has continued this improvement in 2013-14 and in May 2013 finalised 65.8 per cent of cases within one day.



# Annexes

## A Progress against recommendations

Yorkshire and Humberside: progress against recommendations	Position as at July 2013
1 Senior managers take action to improve casework and decision-making standards, supported by an effective system of personal performance assessment, which is used to provide feedback and secure improvement	Limited progress
2 As part of the post-merger implementation review the Complex Casework Unit should assess objectively the proportion of its caseload which is non-Blueprint work, and the Chief Crown Prosecutor should in the light of that assessment: <ul style="list-style-type: none"> <li>• assess whether non-Blueprint work should be transferred to other Area units</li> <li>• determine whether the unit is appropriately resourced; and</li> <li>• if appropriate, redeploy unit resources</li> </ul>	Achieved
3 The Area needs to improve the standard of legal decision-making at the charging stage including the consideration and recording of reasoning, strategy, ancillary matters and information for prosecutors	No longer applicable
4 The Area needs to drive significant improvement in decision-making through a strengthened performance management regime	Limited progress
5 The Area needs to review urgently its case progression systems and processes to ensure that the focus is on quality. Work is particularly needed to ensure full compliance with disclosure duties and the Area custody time limit standards	Limited progress
6 The Area must work with the police to develop a shared and agreed joint performance management regime and framework. Immediate priorities must be established that focus on improving the service offered and establishing key measures that will allow performance at the local level to be effectively held to account	Limited progress



## B Key performance outcomes

	South Yorkshire		West Yorkshire		Area		National	
	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13
<b>Pre-charge decisions</b>								
<i>Magistrates' court</i>								
Discontinuance	14.7%	16.6%	21.4%	17.7%	17.5%	16.2%	16.1%	16.1%
Guilty plea	75.0%	75.0%	68.5%	70.8%	72.8%	74.2%	71.2%	71.7%
Attrition	19.4%	20.8%	25.8%	23.2%	22.1%	21.0%	21.8%	22.0%
<i>Crown Court</i>								
Discontinuance	10.2%	10.9%	10.2%	10.8%	9.9%	10.9%	11.7%	11.4%
Guilty plea	78.6%	81.8%	78.6%	77.4%	79.6%	78.4%	72.4%	71.8%
Attrition	15.8%	14.6%	15.8%	16.7%	15.0%	16.3%	19.4%	19.4%
<b>Magistrates' court</b>								
Successful outcomes	87.0%	87.5%	80.6%	83.9%	84.6%	86.9%	86.7%	86.2%
Cracked trials	43.5%	42.9%	45.6%	42.7%	45.8%	43.2%	39.1%	38.5%
Effective trials	42.6%	40.8%	35.6%	37.5%	37.5%	38.5%	43.4%	44.3%
Ineffective trials	13.9%	16.3%	18.8%	19.9%	16.6%	18.3%	17.5%	17.2%
<b>Crown Court</b>								
Successful outcomes	86.1%	85.4%	84.3%	82.8%	85.0%	82.8%	80.8%	80.5%
Cracked trials	59.0%	55.5%	55.7%	50.4%	54.8%	51.1%	39.1%	36.6%
Effective trials	28.1%	29.4%	33.0%	37.3%	31.9%	36.4%	46.3%	49.6%
Ineffective trials	12.9%	15.1%	11.3%	12.3%	13.3%	12.5%	14.5%	13.8%
Judge ordered acquittals	9.5%	10.9%	10.1%	11.0%	9.9%	10.7%	11.6%	11.5%
<b>Combined Crown and magistrates' courts</b>								
Successful outcomes	86.9%	87.3%	81.2%	83.7%	84.7%	85.9%	86.0%	85.5%
Cracked trials	46.8%	45.7%	47.8%	44.2%	47.8%	44.8%	39.1%	38.2%
Effective trials	39.5%	38.2%	35.1%	37.4%	36.3%	38.0%	44.0%	45.3%
Ineffective trials	13.7%	16.0%	17.1%	18.4%	15.9%	17.2%	16.9%	16.5%
Judge ordered acquittals	9.5%	10.9%	10.1%	11.0%	9.9%	11.2%	11.6%	11.5%





## C ACEP file examination findings

	South Yorkshire			West Yorkshire			Area		
	Fully met	Partially met	Total fully + partially	Fully met	Partially met	Total fully + partially	Fully met	Partially met	Total fully + partially
<b>Area decision-making and file review quality</b>									
File endorsements (other than bail) and file housekeeping were accurately and appropriately maintained	85.7%	8.2%	93.9%	57.6%	37.4%	95.0%	61.4%	30.9%	92.3%
The case was reviewed properly in the magistrates' court	71.1%	5.3%	76.4%	44.3%	34.3%	78.6%	46.7%	26.9%	73.6%
The case was reviewed properly while in the Crown Court	66.7%	12.5%	79.2%	64.0%	22.0%	86.0%	54.5%	25.6%	80.1%
The duty of continuous review was carried out in compliance with the Code	86.4%	0.0%	86.4%	91.5%	0.0%	91.5%	90.4%	0.0%	90.4%
The case proceeded to trial on the most appropriate charges	96.0%	4.0%	100%	84.2%	15.8%	100%	86.7%	13.3%	100%
A decision to discontinue was compliant with the Code	100%	0.0%	100%	96.4%	0.0%	96.4%	96.1%	0.0%	96.1%
There has been a material change in circumstances in unsuccessful outcomes since charging	33.3%	66.7%	100%	29.7%	70.3%	100%	35.3%	64.7%	100%
<b>Area case progression</b>									
There was timely compliance with court directions	26.7%	73.3%	100%	49.2%	50.8%	100%	51.3%	47.4%	98.7%
Case progression was carried out in accordance with the Criminal Procedure Rules	62.8%	11.6%	74.4%	33.3%	54.3%	87.6%	51.0%	33.7%	84.7%
The lawyer or team exercised sound judgement, had a grip on the case, and progressed it efficiently and effectively	52.2%	41.3%	93.5%	42.2%	34.4%	76.6%	46.9%	30.8%	77.7%
The indictment was correctly dated	92.0%	8.0%	100%	79.2%	8.3%	87.5%	78.7%	9.8%	88.5%
There was compliance with initial disclosure duties	87.8%	4.9%	92.7%	79.7%	17.7%	97.4%	77.3%	16.7%	94.0%
Initial disclosure was timely	54.5%	45.5%	100%	94.4%	5.6%	100%	84.3%	15.7%	100%
There was compliance with continuing disclosure duties	47.1%	23.5%	70.6%	64.1%	20.5%	84.6%	60.4%	26.0%	86.4%
Continuing disclosure was timely	41.7%	58.3%	100%	53.1%	43.8%	96.9%	54.7%	44.0%	98.7%
Non-compliance was a failure to disclose undermining or assisting material	0.0%	100%	100%	0.0%	95.7%	95.7%	1.9%	96.3%	98.2%
Sensitive material was dealt with properly	87.8%	2.4%	90.2%	78.5%	2.5%	81.0%	71.4%	2.5%	73.9%
Audit trail on disclosure record sheet	43.9%	31.7%	75.6%	77.2%	15.2%	92.4%	61.6%	17.2%	78.8%

	South Yorkshire			West Yorkshire			Area		
	Fully met	Partially met	Total fully + partially	Fully met	Partially met	Total fully + partially	Fully met	Partially met	Total fully + partially
<b>Victim and witness issues</b>									
The Victims' Code and other policy guidance was complied with	92.1%	7.9%	100%	98.6%	1.4%	100%	92.3%	6.0%	98.3%
The right type of special measure was sought	100%	0.0%	100%	100%	0.0%	100%	100%	0.0%	100%
The police were consulted before stopping the case or substantially altering a charge	100%	0.0%	100%	70.0%	0.0%	70.0%	82.8%	3.4%	86.2%
There was timely compliance with the direct communication with victims initiative where required	41.7%	16.7%	58.4%	64.0%	8.0%	72.0%	49.2%	13.1%	62.3%

	Excellent	Good	Fair	Poor
<b>Overall quality of handling of unused material</b>				
South Yorkshire	0.0%	36.4%	54.5%	9.1%
West Yorkshire	1.4%	48.6%	38.9%	11.1%
Area	0.6%	41.3%	46.1%	12.0%

## D Methodology

---

Prior to visiting the Area we requested management information and performance data to provide evidence of the progress made against the recommendations, including any action plan and actions taken against it.

Prior to the on-site phase 250 files were examined as part of the annual casework evaluation programme, to assess the quality of case management including decision-making, casework preparation and case progression. A range of magistrates' court and Crown Court finalised cases were assessed across a wide range of category of offences. Minor motoring offences were not chosen, although they make a significant proportion (15-20 per cent) of the magistrates' court workload for in the Area and may have some impact on performance data. One hundred West Yorkshire and 50 South Yorkshire files were evaluated as part of the 250 files from CPS Yorkshire and Humberside. The 250 included 48 that had already been quality assured by the Area through CQSM. Annex C details our findings of the file examination for West and South Yorkshire. The team also examined 30 randomly selected files for review as part of the on-site phase. We looked at 18 magistrates' court and 12 Crown Court cases to assess whether there had been any movement since the ACEP findings.

Brief process checks were carried out in the West Yorkshire and South Yorkshire magistrates' court and Crown Court hubs, which included assessments of the effect of each stage in the trial preparation process.

The team spent half a day in Leeds Magistrates' Court and Sheffield Magistrates' Court to assess case management and progression.

Internal interviews were conducted with:

- The Chief Crown Prosecutor
- The Deputy Chief Crown Prosecutors
- The Area Business Manager
- Senior District Crown Prosecutors responsible for the Area's Crown Court, Magistrates' Court, Complex Casework Unit and custody time limits
- The level D Unit Heads for the Criminal Justice and Trials Units for the four districts
- Head of Area Operations Centre
- Manager of the Crown Advocates cadre
- RASSO Manager
- Performance Manager
- Both Business Change and Delivery Managers (BCDMs)
- Operational managers who cover case progression, paralegals and administrators
- Staff in West Yorkshire and South Yorkshire in focus groups

External interviews were also conducted with:

- The Resident Judge and Recorder of Leeds
- Temporary Resident Judge, Sheffield Crown Court
- District judges
- Crown Court and magistrates' court managers
- Senior police managers in operational and strategic roles
- Police staff in focus groups responsible for case progression and witness handling



## E Glossary

---

### **Area Business Manager**

The most senior non-legal manager at CPS area level.

### **Associate Prosecutor**

A CPS employee who is trained to present cases in the magistrates' court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

### **Case management system (CMS)**

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also Transforming through technology (T3).*

### **Case progression manager (CPM)**

An administrative member of CPS staff who manages the progression of cases through the optimum business model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also optimum business model (OBM).*

### **Code for Crown Prosecutors (the Code)**

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also threshold test.*

### **Committal**

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

### **Complex Casework Unit (CCU)**

A unit set up within each CPS area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

### **Conditional caution**

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

### **Contested case**

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

### **CPS core quality standards (CQS)**

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

### **CPS Direct (CPSD)**

This is a scheme to support areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all areas.

### **Core quality standards monitoring (CQSM)**

A system of internal monitoring against the standards, whereby each area undertakes an examination of a sample of completed cases to assess compliance.

**Court orders/directions**

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

**Cracked trial**

A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or because the prosecution offer no evidence.

**Criminal Justice: Simple, Speedy, Summary (CJSSS)**

An initiative introducing more efficient ways of working by all parts of the criminal justice system, working together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

**Criminal Procedure Rules (CPR)**

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division).

**Crown Advocate (CA)**

A lawyer employed by the CPS who has a right of audience in the Crown Court.

**Custody time limits (CTLs)**

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

**Direct communication with victims (DCV)**

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

**Discharged committal**

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the magistrates' court refuses to adjourn the case.

**Discontinuance**

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

**Early Guilty Plea scheme (EGP)**

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

**Either way offences**

Offences of middle range seriousness which can be heard either in the magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

**File endorsements**

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

**Indictable only, indictment**

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the “indictment”.

**Ineffective trial**

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

**Instructions to counsel**

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the “brief to counsel”.

**Judge directed acquittal (JDA)**

Where the judge directs a jury to find a defendant not guilty after the trial has started.

**Judge ordered acquittal (JOA)**

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

**No case to answer (NCTA)**

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

**Optimum business model (OBM)**

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

**Paralegal Career Family Structure**

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

**Paralegal officer (PO)**

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

**Plea and case management hearing (PCMH)**

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

**Pre-charge decision (PCD)**

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s guidance, the latest edition of which came into effect in early 2011.

**Pre-trial application**

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

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

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

### **Prosecution Team Performance Management (PTPM)**

Joint analysis of performance by the CPS and police locally, used to consider the outcomes of charging and other joint processes.

### **Prosecutor's duty of disclosure**

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

### **Review, (initial, continuing, summary trial, full file etc)**

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

### **Section 51 Crime and Disorder Act 1998**

A procedure for fast-tracking indictable only cases to the Crown Court, which now deals with such cases from a very early stage - the defendant is sent to the Crown Court by the magistrates.

### **Sensitive material**

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

### **Special measures applications**

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

### **Streamlined process (Director's guidance)**

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

### **Summary offences**

Offences which can only be dealt with in the magistrates' courts, e.g. most motoring offences, minor public order and assault offences.

### **Threshold test**

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the threshold test should be applied.

### **Transforming through technology (T3)**

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.



**Unused material**

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

**Upgrade file**

The full case file provided by the police for a contested hearing.

**Witness care unit (WCU)**

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).





HM Crown Prosecution Service Inspectorate

London Office:

One Kemble Street

London WC2B 4TS

Tel. 020 7210 1187

Fax. 020 7210 1186

York Office:

Foss House, Kings Pool

1-2 Peasholme Green

York, North Yorkshire, YO1 7PX

Tel. 01904 54 5490

Fax. 01904 54 5492

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

or write to the

Information Policy Team, The National Archives, Kew, London TW9 4DU, or

e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

This document/publication is also available on our website at [www.hmcpsi.gov.uk](http://www.hmcpsi.gov.uk)