



HM Crown Prosecution
Service Inspectorate

CPS Yorkshire and Humberside Group inspection report

September 2011



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Chief Inspector's foreword

This is the second report in which inspectors have specifically looked at the performance of a CPS Group which contains a number of CPS Areas. During the course of the inspection the CPS announced that it was to make, nationally, substantial changes to its structures, and existing Areas within the Group would be merged to form a single Area with effect from 1 April 2011. However, the component parts of the new Area mirror those of the previous Group structure and therefore the findings from this inspection retain their value for the new Area.

The overall aim of inspection is to provide independent assurance to the Attorney General but also to improve the service offered to the public. The inspection sought therefore to examine the work of two differently performing CPS Areas that were contained within the same Group in order not only to identify where improvement was necessary, but also to identify good practice and highlight where this could be shared. The two Areas selected for an in-depth analysis of their casework performance and efficiency, were West Yorkshire and South Yorkshire.

This inspection was carried out at a time when the Group was planning the delivery of the new Area structure and considering how resources could be utilised efficiently. Some changes had already been made, including revising the structure of the provision of daytime charging advice to the police and rationalising the use of the Group's crown advocates. Other changes, including the overall management structure for the new Area and the number and type of operational units, were being planned during our inspection.

Our assessment of the quality of the casework in the two Areas shows that there is room for significant improvement, and the overall quality of the casework in South Yorkshire has declined from the excellent rating it achieved when it was subject to our overall performance assessment in September 2007.

Senior managers in the new Area must focus on driving up the quality of casework performance. Whilst some outcomes are better than national performance, for example in the Crown Court, there are too many poor quality decisions. I acknowledge that, particularly in West Yorkshire, the quality and timeliness of police files has an adverse impact, but too many cases show a lack of considered analysis at key decision-making stages.

The first priority for the new Area's senior managers must be to implement effective systems which ensure robust oversight of the quality of all aspects of casework performance at all stages of the process. I am confident that if these are put in place the new Area's overall performance will improve.

Michael Fuller
Her Majesty's Chief Inspector
September 2011

Inspection context

Contextual factors and background

In the early stages of the inspection the CPS announced that the national structure was to be revised with effect from 1 April 2011. The existing Group structure (each of which contained one or more geographical Areas aligned to police force boundaries) was replaced by 13 CPS Areas, each of which is now headed by a Chief Crown Prosecutor assisted by a Deputy Chief Crown Prosecutor. The geographical boundaries of the new Areas remain unchanged from those of the previous Groups and incorporate the previous 42 Areas.

In this report we refer to the Group and Areas as they existed under the pre-1 April structure. Our findings lose nothing in value as the Areas inspected form part of the new CPS Yorkshire and Humberside Area.

The CPS Yorkshire and Humberside Group was formed in 2009 from two smaller Groups, one comprising North Yorkshire and West Yorkshire CPS Areas, and the other South Yorkshire and Humberside. As a consequence of the merger there has been some rationalisation, including the merger of two Complex Casework Units and the reduction from two to one Group Operation Centres. However, the operational structure of the Group's constituent Areas remained significantly different; this was being reviewed at the time of our inspection as a result of the new structure due to be in place from April 2011.

Partly as a consequence of the 2009 merger, CPS South Yorkshire has suffered from a lack of stability at senior manager level, with four Chief Crown Prosecutors to date since August 2007. Generally it has lacked consistency at senior and operational manager level when compared with CPS West Yorkshire.

The Group has recently revised its crown advocate structure, bringing it under centralised control, and moving some resources to ensure that development opportunities and counsel fee savings achieved through crown advocate usage are maximised.

CPS West Yorkshire's casework is dealt with on a geographical basis, with one office covering the west of the county and the other the east. The exception to this was offences involving allegations of rape and other serious sexual offences (RASSO) which were dealt with by one unit. There were plans to disband this stand alone unit as part of a planned move to functional units based on magistrates' courts and Crown Court casework.

CPS South Yorkshire operates a functional system with Crown Court casework further divided into a Volume Crime Unit and a Serious Crime Unit (which also dealt with RASSO cases). The Serious Crime Unit has greater individual file ownership and was not experiencing the same difficulties in producing quality casework as the Volume Crime Unit which operated the Optimum Business Model system for processing casework. It had also revised its structure shortly before our inspection, as a consequence of which almost all of the operational staff are now based in Sheffield, where previously some had been based in police stations in Barnsley, Doncaster and Rotherham.

Although at an early stage, CPS West Yorkshire was in negotiation with its police counterparts to improve the effectiveness of case building and reduce the duplication of tasks. The proposal is to relocate centrally in CPS premises in Leeds the case building functions currently undertaken in each police division. The Area believes that this will help to address long-standing concerns it has about the quality and timeliness of file preparation.

Both Areas face a period of uncertainty before the new management structure is finalised and as a consequence of the need to reduce resources as a result of budget cuts required by the Comprehensive Spending Review.

Staffing resources and budget

In March 2011 CPS South Yorkshire had the equivalent of 157.2 full-time staff and West Yorkshire had 244.2. The Group Operations Centre had 11.8 and the Complex Casework Unit 19.8. A detailed breakdown of staff by post is at annex B.

The prosecution costs budget allocated to the Group in 2010-11 was £11,950,682 and the administrative costs budget¹ was £28,677,646. CPS South Yorkshire

was allocated £2,854,772 of the prosecution costs budget and £7,717,998 of the administrative costs budget. The respective figures for CPS West Yorkshire were £6,583,749 and £12,960,863. The remainder of the budgets were allocated to CPS North Yorkshire and CPS Humberside.

Full details of CPS South Yorkshire's and CPS West Yorkshire's budgets for the last three years can be found at annex B.

Caseload

The following tables show the caseload and successful conviction rates for cases handled by CPS West Yorkshire and CPS South Yorkshire compared with the national picture.

¹ Staff salaries comprise the bulk of the administrative costs budget.

Caseload	2008-09	2009-10	2010-11
National	1,296,512	1,225,487	1,187,910
CPS West Yorkshire	54,461	56,120	55,071
CPS South Yorkshire	32,945	30,563	27,787

Successful conviction rates	2008-09	2009-10	2010-11
Crown Court			
National	80.8%	80.6%	79.6%
CPS West Yorkshire	84.8%	83.9%	83.5%
CPS South Yorkshire	87.8%	88.4%	84.8%
Magistrates' court			
National	87.3%	86.8%	86.5%
CPS West Yorkshire	85.3%	82.3%	80.7%
CPS South Yorkshire	87.0%	88.0%	88.3%

The proportion of the most serious casework in West Yorkshire, which can only be dealt with at the Crown Court, is higher than the national average. Additionally there are high rates of burglary offences. In the 12 months to September 2010², 5,918 offences of burglary were brought to justice, which was only exceeded in London. South Yorkshire also has a high rate of burglary offences compared with Areas of a similar size.

Whilst West Yorkshire's caseload overall has remained almost constant, it has experienced an increase of nearly 27% in its Crown Court caseload in since 2008-09.

The methodology and nature of the inspection

The Yorkshire and Humberside CPS Group was identified for inspection using a risk-based approach. The performance outcomes and results for CPS West Yorkshire were mainly worse than the national averages and placed the Area in the lowest quartile. Outcomes and results in CPS South Yorkshire were generally better than the national average.

Functions undertaken at Group level, pre-charge decision-making, the Complex Casework Unit and the Group Operations Centre were inspected in line with the inspection methodology, a summary of which can be found at www.hmcpsi.gov.uk.

Sixty three files were called for and examined in CPS South Yorkshire and 73 in CPS West Yorkshire. More West Yorkshire files were examined in line with concerns about the level of discharged committals and hate crime outcomes. We also examined 20 out of court disposals and considered the quality of the charging decision in a further 14 cases as part of our observation of the operation of the Group's Daytime Direct³ function.

The risks identified also allowed the inspection to focus interviews with external stakeholders. As part of the initial evidence gathering stage we spoke to a small range of key stakeholders, mainly Crown Court managers and the judiciary.

The inspection team were on-site during February and early March 2011. A range of Group and Area staff were interviewed and systems and processes were tested. External stakeholders were also interviewed and observations were undertaken in the courts served by each Area. The inspection findings from court observations in CPS West Yorkshire also draw on the extensive observations conducted during the course of the HMCPSI follow-up thematic review of advocacy.

The inspection team would like to extend their thanks to staff in the Group and Areas, and the representatives of other agencies (listed at annex F), who contributed to the inspection.

² Ministry of Justice data.

³ Daytime Direct is the name given to the provision of Group telephone charging advice to the police during the week from 9 a.m. to 5 p.m.



Executive summary

Whilst each Area within the Group has retained its own identity there was tangible evidence that the senior team viewed the Group as an opportunity to make the best use of resources (for example the creation of a Group Crown Advocacy Unit) and work as a whole to deliver an effective service (as evidenced by the merger of its Complex Casework Units). This was assisted by effective communication strategies. Moving work across Area boundaries to reduce pressure and equalise workloads demonstrated an innovative approach to finding solutions and meet the expectations that were set out when Group structures were first considered and planned.

There is a collegiate approach by senior managers at Group level. However there has been a tendency to focus on processing high numbers of cases at speed; this has often been to the detriment of quality in both Areas. The Group needs to change the culture to focus on quality and getting it right first time, thus avoiding duplication and rework and allowing valuable resources to be freed up to undertake more effective analytical work.

There are some local challenges in West Yorkshire with the relationship with the police, and the standard of information provided at the charging stage, but the creation of a Group Charging Board presents an opportunity to promulgate consistent standards and drive operational improvement across the four distinct geographical units. Whilst the board is relatively new, the concept of a forum to discuss Group wide issues across organisational boundaries should be commended.

Despite good governance at Group level there is a need to improve aspects of casework handling and decision-making at the charging stage and throughout the life of a case, across both Areas. In too many cases there was a lack of considered analysis by lawyers of evidential factors. Moving cases on to the next stage, often at the last minute, was seen as the imperative, which meant that either weak ones were not made stronger or were not discontinued until late in the process.

Overall CPS West Yorkshire's casework performance has been assessed as below the expected standard. In CPS South Yorkshire, although case outcomes are generally better than found nationally, performance has dropped from the last assessment by HMCPSI, in 2007. Senior managers in South Yorkshire have put considerable effort into addressing serious performance management issues, but these have yet to be fully resolved. This is hampering their ability to drive up performance in some aspects of casework preparation.

Although at an early stage at the time of our inspection, CPS West Yorkshire was seeking to rationalise aspects of case preparation by centralising and integrating police and CPS case building functions. If this comes to fruition it has the potential to reduce duplication, improve file quality and overall create a more efficient and timely process.

We have assessed the Group and Areas' performance against the Core Quality Standards that the CPS has developed. These standards outline the quality of service that the public are entitled to expect from those who prosecute on their behalf. In appropriate sections of the report we have outlined our view of whether standards have been met. Our overall assessment is that in the majority of casework standards the Group and Area have not fully met the level expected. There is significant room for improvement.

In both Areas the full benefits of Core Quality Standards Monitoring have yet to be realised, and result in rigorous assessment of casework performance.

Both Areas need to focus on the effectiveness of their operational business management units to ensure performance improvements. The Group's vision for 2011-12 on delivering quality should assist in providing the necessary focus.

Overall inspection scores

Section 1: Group based functions		
Governance		Good
Pre-charge decision-making		Poor
Section 2: Area functions		
	West Yorkshire	South Yorkshire
Casework quality	Poor	Fair
Efficiency	Fair	Fair

Section 1: Group based functions

1 Group governance

Good

Background

1.1.1 In late 2007 the CPS brigaded its 42 local CPS Areas into 14⁴ Groups in order to streamline the management of the Service, bring together key functions and create economies of scale which would provide the Service with greater resilience for the future. We set out in the contextual section above how the Yorkshire and Humberside Group was formed.

1.1.2 The formation of the Group structure was accompanied by national requirements, and specific key functions and responsibilities that Groups should adopt were set out. In both 2007 and 2009 the planning and implementation of change was handled well. Whilst there were some understandable tensions due to the large degree of change being experienced within the Areas, Yorkshire and Humberside has now firmly established those expected Group functions including the establishment of a Group Complex Casework Unit, revised daytime charging arrangements and a Group advocacy unit. Separate assessments of the Group charging function and the Complex Casework Unit are contained within the report.

Overall judgement

1.1.3 There was tangible evidence that the senior team (Chief Crown Prosecutor and Area Business Manager level) viewed the Group as an opportunity to make the best use of resources to deliver an effective service. Moving the work across Area boundaries to reduce pressure and equalise workloads demonstrates an innovative approach to finding solutions and meet the expectations that were set out when Group structures were first considered and planned.

1.1.4 Budget controls and mechanisms are sound and the collegiate approach at Group level to the allocation of budgets and staffing demonstrates a high degree of Group maturity. Because of some staffing constraints in parts of the Group there has been a tendency to focus on processing volume; this has often been to the detriment of quality. The Group needs to change the culture to focus on quality and getting it right first time, thus avoiding duplication and rework. This approach would allow valuable resources to be freed up to undertake more effective analytical work.

1.1.5 Performance management arrangements (supported by regular performance reports) within the Group are extensive, with clear lines of accountability at Group level, but our findings highlight that there appears to be a fundamental disconnection between the performance management arrangements and outcomes. Too many cases have poor decisions, and are left to drift. Examination of processes identified that there was limited analysis because the imperative was to move the work through the system. Performance arrangements at the individual level need to be strengthened to complement the arrangements that exist to hold managers to account for outcomes.

4 13 geographical Groups and London.

Leadership and planning

1.1.6 The Group has established a clear communication strategy with an open and constructive approach. This made the transition from two separate Groups easier, although there were some concerns expressed about the allocation of resources within the Group. Senior managers worked hard to ensure that clear and honest messages were communicated, and whilst some staff still felt that the merger of the two Groups was a take over, the latest staff survey results across the Group indicate that Group engagement, communication and vision are understood and were well handled.

1.1.7 The ethos of Group working within the senior team has been consolidated by the allocation of responsibility for delivery of key priorities to each member of the Group Strategy Board (GSB). The GSB meetings are used to formulate strategies and policy and also to hold individuals to account for the delivery of Group initiatives. This clear allocation of responsibility and accountability helped create the ethos of Group working and break down Area barriers. More recently the GSB has started to consider how closer involvement of Area senior managers with the GSB could be developed. In November 2010 Area senior managers were allocated responsibility for certain Group functions but this needs further thought and development as there was a lack of clarity and understanding of how this was going to work in the future.

1.1.8 There are some local challenges in West Yorkshire with the relationship with the police, but the creation of a Group Charging Board presents an opportunity to promulgate consistent standards and drive operational improvement across the four distinct

geographical units. Whilst this Group board is relatively new, the concept of a forum to discuss Group wide issues across organisational boundaries should be commended.

Stronger points

- a There is an ethos of Group working, with senior managers across the Group having responsibility for delivery of key strategic aims. The GSB is effective at driving forward initiatives and holding managers to account. Group governance arrangements are in place and work well.
- b Staff survey results across the Group highlight that engagement, communications and understanding of the Group vision are generally well understood, with results being better than the national average. The use of staff forum meetings and a Group newsletter aids communication and helps staff understand the benefits and impacts of Group working.
- c The planning and implementation of Group charging, the Group Advocacy Unit and also the establishment of the Group Operations Centre were supported by effective plans. Effective post-implementation reviews have also been carried out leading to revision and change.
- d There was good evidence that Group managers are corporate and work in their own Areas to sell the vision and benefits of Group working.
- e The Group Operations Centre is well established and serves all Areas within it, but there are still a number of functions that could be further streamlined. There is an awareness of this potential and senior Group managers have plans in place over the coming year to further consolidate all Group functions.

- f The sharing of work across Area boundaries to balance resource requirements is innovative and shows a maturity at Group level.

Aspects requiring improvement

- g The creation of the Yorkshire and Humberside Group had created tensions, as two Groups were brought together. Although staff in West and South Yorkshire were able to highlight the benefits of Group working, there was a feeling within South Yorkshire that there had been a ‘take over’ and that opportunities for staff were more limited. The Area Chief Crown Prosecutor was working hard to explain the rationale for change, but the Group will need to handle this matter carefully. Staff survey results in South Yorkshire had significantly declined over the past year.
- h The two Group Complex Casework Units were merged in late January 2011. Some aspects of the planning for the merger of the casework and systems could have been more effective and communicating the change to staff could have been better handled. Future changes which involve the movement of staff will need to be more carefully managed to ensure that all aspects are considered.

Resource management

1.1.9 There are effective systems and processes in place to manage Group finances. There is a focus at Group level on making savings and value for money. Controls of non ring-fenced administrative costs including committed expenditure are very clear and enable accurate forecasting. The Group is working towards developing and implementing a Group approach to the handling of graduated fees. This will take the best practice established in the Group and set up a dedicated team to handle and process all graduated fee claims. Plans are sound and this approach will result in a consistent approach which will include effective checks and balances.

1.1.10 Plans for major change at the Group level clearly set out expected benefits and savings, with the over-riding aim of improving quality and where possible reducing cost. Plans for Group charging and the Group advocacy unit both outlined cost reductions and post-implementation reviews assessed whether the anticipated savings were realised.

1.1.11 Managers were unable to clearly articulate the cost savings that had resulted from the creation of some of the Group functions. Plans did set out the expected reductions in staff numbers, but with some functions still being duplicated it was difficult to assess the savings made or the full potential. Similarly combining the two Complex Casework Units has not yet provided any real economies of scale. This is something that the Group will need to consider.

Stronger points

- a Non ring-fenced budgetary controls are sound and fully effective. Budget allocation within the Group is transparent and regular meetings between the Area Business Managers have forged close collaborative working at Group level. Areas understand how budgets are allocated and the system used to allocate staff resources. Budget review systems are sound and allow for best use of resources.
- b Moving work across the Group demonstrates an effective use of resources and also has resulted in improved outcomes overall, for example improvement in finalisation rates.
- c The Group has effectively planned to reduce head count and make staff reductions in advance of the Comprehensive Spending Review and has a sound approach to reducing staffing. It is well placed to deliver an operational model that should meet future budget constraints.
- d A Group expenditure control plan sets out the approved methods of financial control. As well as outlining these measures it also sets out the approved processes that accompany all Group financial spend.

- e Crown advocacy savings have exceeded target at the Group level. The revised arrangements for the Crown Advocacy Unit have firmly established a strategy for future savings linked closely with the personal development of crown advocates.
- f There are effective systems to manage Group assets with baseline security reports being used to monitor risks. Action owners have been nominated in each Area and follow-up action taken to assess progress.
- g Work to rationalise IT within the Group has taken place and the Group has appointed a senior manager with specific responsibility for the implementation of T3 IT project⁵.

Aspects requiring improvement

- h The need to deliver more with less as budgets and staffing have reduced across some parts of the Group has resulted in a focus on processing volume and not always quality. The Group needs to change the culture to 'getting it right first time'. The current situation is leading to rework and duplication of effort.
- i Combining the two Complex Casework Units has not yet produced any economies of scale. The Group need to do more to establish what the optimum staffing level should be in relation to caseload.

⁵ A programme of change to technology within the CPS – Transforming Through Technology – with the objective of making case and file management more efficient.

Performance management within the Group

1.1.12 There is a well established performance management meeting structure at Group level. Senior managers are held to account both at GSB and through quarterly performance meetings. The Group Performance Officer produces an extensive range of data and performance reports to support the performance regime and also attends Area management meetings to challenge and explain data and outcomes. Whilst this performance structure allows for challenge at the high level, our findings indicate that there is a weakness to this approach.

1.1.13 Whilst managers said that they felt as though the performance regime in the Group was challenging and led to improvement, it is clear that improvement is difficult to maintain. Often as the Group focuses on one aspect of performance there is improvement, but as soon as the focus turns to another priority there is slippage. In some cases there is a reluctance to accept that performance issues relate to the work under managers' control. In some instances there seemed to be an unwillingness at Group level to accept that anything could be done to improve performance.

1.1.14 In the two Areas inspected there are significant weaknesses in the standard of casework handling and decision-making. The Group needs to establish a system which allows it to sustain performance improvement.

1.1.15 The Group focus has been very much on quantitative measures and the Area Performance Framework does not give a sound basis for fully understanding performance outcomes or where attention should be focused to improve.

Stronger points

- a The provision of performance information at Group and Area level. The performance functions in the Group Operations Centre work effectively to supply both systematic and ad hoc performance information to managers and criminal justice system partners.

Aspects requiring improvement

- b A Group priority for 2010-11 was a focus on casework standards and embedding them fully across the Group. Whilst the processes for undertaking Core Quality Standards Monitoring (CQSM) checks are in place, our findings indicate that the Group needs to strengthen its assessment to identify weaknesses. It is somewhat surprising that the CQSM results against standards are showing a generally positive picture.
- c Performance management and oversight of casework quality needs to be improved. It is currently not robust enough to assess individual performance or to be used in an effective way to produce sustained outcome improvement. Qualitative measures need to be implemented in a systematic way to support quantitative data.

Recommendation

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.

2 The Group Complex Casework Unit

Background

1.2.1 A Complex Casework Unit (CCU) is a function established to handle complex casework across a CPS Group, to a high standard. Following the Group merger the new CPS Yorkshire and Humberside Group had two CCUs, based in Leeds and Sheffield. An evaluation of the effectiveness of this arrangement was carried out by the Group in 2010, following which a decision was taken to merge the two units and locate the Group CCU in Leeds, making it one of the largest CCUs in the CPS. This took place just before our inspection and some of our findings reflect the teething troubles of that organisational restructuring. The inspection assessed the quality of the casework dealt with by both units under the old structure.

1.2.2 The Blueprint for CCUs, was designed to assist Group Chairs to plan for and establish a CCU within their Group. The Blueprint is prescriptive in some respects and was put in place to ensure consistency across the Service whilst leaving some scope for flexibility to meet local needs.

1.2.3 The Complex Casework Framework (CCF) was designed as a practical tool to address legal, financial and strategic risks associated with large, complex and serious cases, and aims to ensure a consistent approach is taken. The framework defines the key steps in managing complex cases.

Overall judgement

1.2.4 The CCUs overall delivered a good quality service in complex casework, although some aspects of performance in the South Yorkshire and Humberside unit concerning the handling of the disclosure of unused material had led to unsuccessful outcomes and adverse judicial comment. The North and West Yorkshire unit achieved a high proportion of successful outcomes (79.9%), with a similar performance in the South Yorkshire and Humberside unit (78.4%), although this is lower than some CCUs.

1.2.5 The unit has robust procedures for maintaining the security of sensitive material and operates a stringent clear desk policy to minimise the risk of its work being compromised.

1.2.6 Financial aspects relating to the management of prosecution costs are well controlled and managers have a good understanding of accrued expenditure. The head of the merged unit maintains a close oversight of cases.

1.2.7 As a consequence of the merger, unit managers need to ensure that all staff work to common processes and systems and that key documents such as the case activity log are completed to a consistently high standard. The merger has also necessitated a review of the current protocols with the four police forces which submit cases to the unit. At the time of our inspection there was a lack of consistency in the referral procedures. This review will also need to take into account any impact of the national CPS restructuring.

1.2.8 Almost all the South Yorkshire and Humberside CCU staff moved to Leeds when the units merged, although the reduction from two unit heads and two business managers down to one in each role will lead to some savings. The unit needs to review critically its current resources against caseload and assess whether all its casework is appropriate for a CCU.

Case review, preparation and management
Stronger points

- a Early investigative advice is available to the police on all relevant cases and arrangements are in place to provide out of hours advice when necessary, although we saw cases where, for no apparent reason, CPS Direct were asked to provide charging advice by the police. Overall the quality of decision-making at the charging stage is good, with the reasoning set out clearly on the MG3 (record of charging advice) or similar document. All cases examined complied fully with the Code for Crown Prosecutors (the Code) and CPS policy.
- b Overall the disclosure of non-sensitive unused material is handled correctly with lawyers considering material and generally endorsing schedules correctly. (Concerns in respect of the handling of sensitive material are set out in the next section.)

- c The quality of endorsement on the files is good (and particularly so in respect of magistrates' court hearings). The support provided by experienced paralegal officers to the advocate at court is of a very high standard. There is an arrangement to ensure there is paralegal court coverage for non-contentious hearings when the unit's resources are stretched.
- d Cases requiring a letter of request⁶ are of a high standard as are those where an arrest warrant for a suspect outside the jurisdiction is required. The unit also provides a quality assurance service for European Arrest Warrant cases dealt with by Areas in the Group. The file examination indicated that there was a high level of co-operation between lawyers in the unit and their counterparts in other jurisdictions.
- e There is close oversight of cases in the merged unit by the unit head and issues such as whether to refer to the Attorney General a sentence considered unduly lenient are handled well.
- f There is a good level of victim and witness care, exemplified in a recent case where the allocated lawyer received a personal letter of thanks from the relatives of the deceased. Special measures and witness anonymity applications are made appropriately. Basis of plea put forward by the defence are considered carefully and accepted or rejected appropriately.

⁶ A tool to obtain evidence from overseas whereby co-operation is sought from authorities in other countries.

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- g Proceeds of Crime Act (POCA) cases are dealt with effectively and restraining orders applied for appropriately. The enforcement of orders is dealt with by a separate team based outside the unit.
 - h The processes for selecting counsel and the management of the graduated fees scheme are good. The unit has utilised the Group Principal Crown Advocates, resulting in substantial fee savings and its own higher court advocates undertake a range of non-contentious work. The unit should explore whether it can use the Group Advocacy Assessor to carry out some formal assessments of the quality of advocacy.
 - i The unit works closely with the Group Communications Managers to ensure cases of media interest are notified and regular updates provided to the media. The unit head maintains contact with the media in cases with a very high profile.
 - k Not all lawyers understood the relationship between the revelation of sensitive unused material by the police, disclosure and public interest immunity applications. Some adverse outcomes in the previous South Yorkshire and Humberside unit were attributable directly to issues around the disclosure of sensitive unused material.
 - l Staff were working to different systems depending on which of the former units they had been based. Managers need to ensure, as a priority, that there is clarity amongst all the staff as to the processes to be used in the merged unit and also carry out an audit of all escalated tasks on the case management system (CMS), where a substantial number were showing red (the highest escalation level). The high level of escalated tasks may be attributable to importing cases from the previous South Yorkshire and Humberside unit but this should be clarified and the necessary remedial action taken. A similar review of the inactive pre-charge case report needs to be undertaken, as it contains cases where the defendants have been charged.

Aspects requiring improvement

- j Some cases are allowed to drift at the pre-charge stage with insufficient oversight of the progress the police are making in carrying out further necessary enquiries. Counsel has also been instructed inappropriately to provide pre-charge advice, although the management controls in the merged unit should prevent this occurring. More work could be done at the charging stage to set the direction of the case and the disclosure strategy and there needs to be a more proactive approach to ensuring the police comply with outstanding post-charge tasks and progressing cases generally.
- m Some aspects of the custody time limit process need to be strengthened. The processes used by the two previous units need to be harmonised.

Governance arrangements

Stronger points

- a The allocation process for cases is managed effectively by the unit head, which ensures that workloads are evenly balanced. The gravity matrix on CMS is not used, but the unit head considers ongoing caseloads at his monthly meetings.
- b Performance is discussed regularly with the Group Chair and the necessary performance information is produced by the Group Operations Centre. Generally staff felt they received a good level of feedback. The monitoring of Core Quality Standards is undertaken and work is still being carried out to ensure the maximum value is achieved from the process.
- c The unit is reviewing the current protocols with the four police forces from which it takes cases to, so far as possible, harmonise procedures. At the current time the access routes to the unit are substantially different depending on the police force area from which the case emanates. The unit head also undertakes informal filtering when cases are referred to him by Area unit heads.
- d The unit has an agreement with the West Yorkshire Police in relation to the handling of communications data which provides for a streamlined process with only essential evidence produced in paper format.
- e Overall staff have very good working relationships with the police and during our time in the unit it was apparent that lawyers provide a lot of face to face advice.

- f All staff, save for two new entrants, have the requisite level of security vetting, including developed vetting. The procedures for maintaining the security of sensitive material and the relevant schedules are robust and staff take their responsibilities very seriously. There is a rigorously enforced clear desk policy.

Aspects requiring improvement

- g Senior managers accept that the communication strategy around the merger of the units could have been better and more use made of the expertise available at Group level. There was substantial resistance to the change, as a result a number of aspects which should have been addressed were still outstanding after the 'go live' date. There was no overall project plan which would have assisted in managing the process.
- h The CCF regime is not operated consistently in the unit. The quality of case activity logs is variable. Similarly the unit does not use the time recording system (TRS) consistently or identify formally cases that are non-Blueprint⁷. Unit managers and staff saw little or no value in the TRS. This needs to be addressed at a national level to ensure that the system is used effectively across the CPS with managers being provided with meaningful data.
- i The merged unit accepts that there is a need for a critical review of its caseload and resources. Our assessment of a sample of unit cases on CMS suggests that over 30% of the unit's caseload is non-Blueprint work.

⁷ Cases taken on by the CCU to meet local arrangements but which fall outside the Blueprint definition of a complex case.

Achieving the optimum benefit and value for money

Stronger points

- a A six month post-implementation review is planned for the merged unit to assess the impact, if any, it has had on successful outcomes, unit costs and reputational issues. However, there are a number of other factors that should also be assessed including the harmonisation of processes and staff engagement in the new unit.
- b Whilst there is no formal rotation of staff into the unit from the Areas, it has recently brought in two new lawyers as part of the re-distribution of staff in the course of the merger.
- c Very high cost cases and those dealt with under the graduated fees scheme are well managed with an appropriate use of case plans and stage plans. They are also subject to case management panels.

Aspects requiring improvement

- d There were limited cost savings for the unit as a result of the merger and none overall for the Group. The planned post-implementation review should be used to assess whether resources are correct for the merged unit.
- e There needs to be a more rigorous assessment of whether work with an international dimension should be retained in the unit once that aspect of the case is settled.

Recommendation

As part of the post-merger implementation review the 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 Pre-charge decision-making

Poor

Performance expectation: Pre-charge advice and decisions are of high quality; benefits are being realised.

Background

1.3.1 Much of the charging advice to the police during office hours is delivered by prosecutors under the Daytime Direct (DD) initiative. From February 2011, the Group moved to a single Charging Manager with a business manager in support, and transferred some of the charging work from Leeds to Sheffield to align the available lawyer resources more closely to the work, and free up some CPS West Yorkshire lawyers for case progression and presentation work.

1.3.2 Arrangements for charging decisions on cases which, by virtue of their complexity or sensitivity, are unsuitable for DD vary slightly across the Group, but in each Area, are sufficient to ensure that the cases are allocated to appropriate lawyers.

1.3.3 We examined 136 finalised cases from CPS West Yorkshire and CPS South Yorkshire. Of those, 50 were charged through DD, 24 were charged at Area level, and 54 were advised on out of hours by lawyers from CPS Direct. The remaining eight cases were charged by the police. Also assessed was a sample of 20 cases where there was an out of court disposal (OOC⁸) and, during observations in the Leeds DD charging centre, 14 MG3s⁹ were examined alongside the material submitted by the police.

Overall judgement

1.3.4 The file sample and other evidence indicated scope for considerable improvement in the quality of the decisions made, recording of reasons for decisions, and the management of the quality of service delivered. A small sample of OOCs and the provision of advice observed at a charging centre showed better decision-making and consideration of some ancillary matters, but special measures for victims and witnesses were still not being properly addressed. There is quantitative management information on length of calls and waiting times, although concerns about police file standards and the completeness of the information supplied in CPS West Yorkshire are not being addressed effectively. The data for outcomes shows a mixed picture across the Group.

1.3.5 The CPS Core Quality Standards set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations. Standards 2 and 3 (see annex A) relate directly to charging. The number of poor decisions, the poor standard of many action plans, and the weakness of consideration of special measures and ancillary applications mean that the Group is not meeting Standard 2. The better performance on out of court disposals, although not yet fully achieving the expected level mean that Standard 3 is partially met. Standard 4, regarding bail, is met in so far as proper opposition to bail is being addressed when charging decisions are made.

⁸ Cautions, conditional cautions, youth diversions (reprimands and final warnings) and decisions not to charge on evidential or public interest grounds.

⁹ The form used to record the written advice from the lawyer to the investigating officer, which is also used by the prosecutor at court and other CPS staff dealing with the case.

Stronger points

- a The level of charge was correct in most cases in the file sample, although concerns were expressed that some offences (particularly assaults) were under charged, or did not give adequate sentencing powers.
- b The Group monitors the number of calls received, duration and waiting times and is delivering a good standard of service to the police. The management of quantitative aspects is more effective at driving improvement than that for the quality of decisions.
- c CPS South Yorkshire's attrition, discontinuance, guilty plea and overall conviction rates in pre-charge decision cases are better than the national average in both magistrates' courts and Crown Court cases. Since 2009-10, the measures for all but discontinuances in magistrates' court cases have improved, whereas those for Crown Court cases have deteriorated. CPS West Yorkshire's Crown Court rates for attrition, discontinuance, guilty plea and overall conviction rates are better than the national average, although all have deteriorated over the same period.
- d The sample of 20 OOCs showed better standards of Daytime Direct decision-making than that seen in the finalised file sample. All cases complied with the evidential limb of the Code test, although, of the two cases that failed on public interest grounds, one was based partly on a flawed assessment of the evidence. The overall standard of the analysis, strategy and advice given on OOCs was also better, with half the MG3s being scored as excellent or good. The 14 cases seen during observations at DD also showed better performance in most aspects than in the finalised case sample.

Aspects requiring improvement

- e Of the 48 relevant¹⁰ finalised cases charged by DD prosecutors, nine failed the full Code test, giving a compliance rate of 81%. All failures related to the evidential limb of the Code test, and most indicated a lack of critical thinking in relation to how probative or cogent the available evidence was, especially where there was more than one defendant. Self defence and consistency or credibility issues appeared to give most difficulty.
- f The decision about whether to apply the threshold test¹¹ was incorrect in four of the five applicable cases, and the reasoning for applying the threshold test was recorded properly in none.
- g The Code test failures were fairly evenly split across magistrates' court and Crown Court, indicating that serious cases did not necessarily receive a better standard of care from DD prosecutors. This was supported by other findings from the file sample: enhanced evidence was considered in violence against women cases in a third of instances where it was relevant and the requirements for sensitive and complex cases were met in 60% of cases.

¹⁰ There were 50 cases dealt with by Daytime Direct, but in two of these, the duty prosecutor applied the threshold test, leaving 48 where we made judgements about the standard of the application of the full Code test.

¹¹ This enables a charging decision to be made, where the defendant is likely to be held in custody, before all the evidence is available. The five relevant cases are made up of two where the threshold test was applied by the duty prosecutor (one in error), and three where the threshold test ought to have been applied by the duty prosecutor, but the full Code test was applied instead.

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- h There were six cases which resulted in youth diversions. One was wrongly diverted and two others were given a reprimand when the appropriate outcome should have been a final warning. In three there was a specific reference to the Association of Chief Police Officers gravity matrix.
 - i The Group has concerns about the standard of information provided at the charging stage by West Yorkshire Police. There was some support for this view in the findings from our file sample. However, prosecutors could do more by improving the quality of action plans. Additionally the police were not routinely being held to the stipulation that before a charging decision will be given they must provide essential evidence about the victim and witnesses. In one case, a charge would almost certainly not have resulted had accurate information about a victim's willingness to attend been supplied.
 - j Other opportunities to build stronger cases were missed, with ancillary applications and orders being properly considered in just over one in four cases, and the MG3 contained proper instructions for the prosecutor at court in less than half the finalised cases examined.
 - k Special measures and other victim and witness issues were adequately covered in a third of finalised cases, and only a quarter of the cases observed at the DD charging centre. This and the missed opportunities to build cases were significant factors in the low scoring of many of the MG3s for finalised cases. We rated none of the MG3s produced by DD as excellent, and 10% were good. The rest were evenly split between fair and poor. By way of comparison, the MG3s produced by CPS Direct were excellent or good in nearly three quarters of their 54 cases.
 - l Whilst there has been some feedback to the police and periodic reviews of police and CPS performance in charging, there is no consistent Group wide system of monitoring police and CPS performance at charging. There is also not consistent analysis of adverse case outcomes across the Group or established feedback loops between charging, case progression teams and advocacy units. Valuable opportunities to learn lessons and improve quality are being missed, although the Group recognises that this needs to be addressed.
 - m CPS West Yorkshire's attrition, discontinuance, guilty plea and overall conviction rates are worse than the national average in magistrates' court cases, and have deteriorated since 2009-10.

Recommendation
The Group 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.



Section 2: Area based functions

CPS West Yorkshire Area casework

Poor

Area decision-making

Poor

Reviews and decision standards

Performance expectation: Reviews and decisions in magistrates' courts and Crown Court cases are of a high standard, so as to deliver improving outcomes.

2.1.1 Charging is now largely delivered at Group level under the new Daytime Direct scheme, but the Area retains responsibility for certain charging decisions¹². In the finalised file sample, five cases were correctly charged by West Yorkshire Police, and 14 received charging advice from an Area lawyer, of which two failed the Code test.

2.1.2 The standard of subsequent review was poor, with six cases failing the Code test at full file review. Too many cases had missing or inadequate reviews. With the CPS nationally moving away from file ownership and towards electronic files, it is increasingly important that decisions and actions are readily ascertainable, so as to avoid wasted work and inconsistency.

2.1.3 The weakness in Code test application was the single largest reason for wasted fees in our assessment of the potential for savings under the graduated fees scheme.

2.1.4 The standard of decision-making is also contributing to the Area's very high rate of unsuccessful outcomes in magistrates' courts cases, caused mostly by the Area's very high discontinuance rate.

2.1.5 The Area's resourcing difficulties have led to a focus on getting the casework processes right, with insufficient attention paid to the quality of decision-making. This has increased the pressure on resources by causing unnecessary work and duplication of effort. There is inevitably, although less quantifiably, an impact on victims and witnesses, partner agencies and public confidence.

2.1.6 Core Quality Standard 5 covers the majority of post-charge case decisions taken by prosecutors. The failure to correct poor charging decisions, the Code failures at full file review, and the fairly low incidence of properly recorded case reviews mean that overall, Standard 5 is not being met.

Stronger points

- a The initial review decision in each of the police charged cases was Code compliant.
- b Area lawyers advised the appropriate charges in all applicable cases. Instructions to prosecutors were much better than in cases charged by DD.
- c Charging decisions by Area lawyers in the RASSO¹³ team tended to display better reasoning and evaluation of the strengths and weaknesses of the case, although there was inadequate consideration of special measures and other ancillary applications in some cases. The requirements for sensitive and complex cases were met in all but one instance.

¹² In serious, sensitive or complex cases, and for initial review of the straightforward cases that the police charge.

¹³ Rape and Serious Sexual Offences team, which deals with allegations of rape and other serious sexual offences, work from West Yorkshire Police's child protection teams and cases involving indecent images of children.

- d The successful outcome rate for Crown Court cases is better than the national average, although it has deteriorated slightly since 2009-10. The acquittal after trial rate has improved over the same period.
- i The Area has introduced into the Magistrates' Court Case Progression Unit a system of review by paralegal officers (POs) under the guidance of a lawyer mentor, who then signs off disclosure decisions and checks the review. In the Crown Court Unit, POs prepare the prosecution papers or committal bundle, which is checked by a lawyer, but again this is not a full lawyer review. Evidence suggests that there needs to be closer scrutiny of the work that results from this and from lawyer reviews, as neither is consistently meeting the required standard. The standard of recording of reviews in the file sample was poor, with a third of applicable cases having no full file review recorded, and 70% not having an ad hoc review where one would be expected. Of the reviews that were recorded, about three in five were not of a satisfactory standard. There was less often a full file review in magistrates' courts cases than in Crown Court cases, but there was more often a record of an ad hoc review. The standard of reviews was slightly better in Crown Court cases.

Aspects requiring improvement

- e Of the 14 Area based charging decisions, two (Crown Court cases) failed the Code test at charging, both on evidential grounds. One went on to fail again at full file review, and was not dropped until after the jury had been sworn on the first day of trial. The other was dropped between the preliminary hearing and plea and case management hearing (PCMH). Of the West Yorkshire cases charged by DD, there were four which failed the Code test at charging; of these, two were not picked up by Area lawyers and went on to fail again at full file review.
- f Charging decisions by Area lawyers did not adequately cover special measures or other ancillary applications and orders in almost three quarters of the cases. Instructions for further work needed from the police were satisfactory in two in five cases. Ten of the 14 MG3s were rated as fair or poor.
- g At full file review, the Area complied with the Code in 91.5% of cases, which equates to six failures. Nearly all of the failures featured a lack of robustness in assessing the evidential strength.
- h The Code was not complied with in two of the 23 discontinued cases. In the failed cases, there was no material change since charging in just over half. Too little was done to try to save the case in nearly 60%.
- j The Area has done some work to address the quality of endorsement of outcomes, but the standard of full file reviews by lawyers and POs has not been tackled effectively. There has been a focus on processing cases and especially on avoiding discharged committals¹⁴, to the detriment of the quality of the work and Code compliance.

¹⁴ 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.

- k There are unacceptable delays in providing charging advice in cases handled by the RASSO team. The position is exacerbated by the frequent need for additional evidence or enquiries. A recent pilot exercise with the police improved the position but resource implications for the police mean that it was stopped. In its absence, managers need to provide more systematic and robust feedback to the police, but must also ensure that timeliness is managed effectively within the team.
- l Opportunities to learn from failed cases are not being systematically exploited and the Area needs to do more to ensure that it receives sound advice from Crown Court advocates (both in-house and independent counsel) on the strength of cases, as there was little evidence in those examined that evidential weaknesses were being identified, and remedial action advised.
- m The successful outcome rate for magistrates' courts cases is worse than the national average, and has deteriorated since 2009-10. Almost all of the deterioration is attributable to an increase in the discontinuance rate, which supports our findings about the standard of legal decision-making.

Area case progression	Poor
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Effective case progression and case management
Performance expectation: There is effective case progression in all cases, case management is proactive, and systems and actions are geared to the delivery of effective hearings and successful outcomes.

2.2.1 There are significant concerns amongst partner agencies about the standard of case preparation and progression, which was borne out by our findings. Lack of case ownership also causes frustration to partners when it detracts from willingness to take and be held to account for case management decisions. Efforts at a strategic level to bring about improvements are not consistently reflected in operational delivery.

2.2.2 The Area has brought together its case progression teams into geographical and functional units, so there are magistrates' courts and Crown Court units in both Leeds and Bradford. There are cases churning through all the units that either need not be there or could be progressed more efficiently, and which are tying up resources unnecessarily. In many of the files examined, there was inactivity and drift between the plea being entered and shortly before trial. The removal of lawyers from the case progression units to cover other urgent work has impacted on resilience, and the shortage of administrative staff is also hampering timely actions on cases.

2.2.3 The priority for the Area was to process cases through quickly rather than managing the quality of work being done. As a result, there is duplication and wasted effort by Area staff, police, Witness Care Units and the courts.

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

2.2.4 Case progression meetings take place but their effectiveness depends to a large extent on a careful and realistic assessment of trial readiness by CPS staff to ensure that the case progression log is accurately completed; there is work to be done on this aspect. The lack of input at the meeting from the Witness Care Unit and some failings within the RASSO to assist with information for the log are also impacting on the usefulness of the process.

2.2.5 Whilst the rate of discontinuing cases in the magistrates' courts on the third or subsequent hearing has recently improved to match the national average, other evidence shows that cases are not gripped and realistic assessments are not made until far too late in the day, if at all. The consequential disruption and distress to victims and witnesses, and the unnecessary work caused for partner agencies are avoidable with better and more careful decision-making and case progression. The recording of out of court work must improve; in only just over half of the files examined was there a clear audit trail of out of court work, and in only 60% was CMS used effectively.

2.2.6 Core Quality Standard 5 is concerned with case preparation and the active management of cases to conclusion. Although there are pockets of good work, these are significantly outweighed by the weaknesses in the quality and timeliness of case preparation and progression, including compliance with directions, the handling of disclosure and custody time limits. Overall, the Area is not meeting Standard 5.

Stronger points

- a Readiness for committal has improved since the magistrates' courts extended the time allowed to the prosecution to prepare and serve papers, a step that was designed to address delays in the supply of the full file by the police, or remedy defects when it was received.
- b Case progression meetings are prompting actions to be taken on some cases, and are generating more listings for mention, which may help to avoid an ineffective or cracked trial.
- c There has been effective work to tackle the ineffective trial rate in the Crown Court, which is now better than the national average.
- d Indictments were correctly drafted in over 90% of cases, and amended properly in all but one case, although the timeliness of amendments could be improved. Nearly all cases proceeded to trial on the right charges.

Aspects requiring improvement

- e Despite the Area's concerns that the police full file may be late or incomplete, systems are not designed to take this into account. Work is largely prioritised by trial date, which is sensible if the file is on time and in good order, but does not maximise opportunities to chase outstanding evidence or ask for remedial work. If correspondence is not properly prioritised, as was the case in some instances we came across, it may sit on files until such time as they reach the front of the queue, regardless of the urgency of that particular letter.

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- f The decision not to acknowledge correspondence from the defence, so as to save time and resources, when combined with delays in responding, means that defence practitioners are frequently left wondering whether their letter has been received or if and when they will receive a reply. This causes more work for the CPS and partners, as defence solicitors chase replies or ask the court to list the case.
- g Case progression was good in the file sample in just over a quarter of cases; the rest were fair or poor. There was timely compliance with directions in 70% of magistrates' courts cases, and in about two-thirds of Crown Court cases prior to PCMH, but compliance fell to about half thereafter. Checks on the units indicated that the processes were in place, but there was no quality control. As a result, there were cases that were in the units that need not have been, were assessed as trial-ready when they were not, had not been subject to robust or sound decisions, or were waiting for action for too long. The impact of this drift and churn is felt beyond the units and Area.
- h There were 43 ineffective hearings in the cases examined, of which 23 (over 60%) could have been avoided by better decisions or case progression. The prosecution could also have avoided a quarter of the ineffective trials, all of which were in magistrates' courts.
- i West Yorkshire has higher than national rates for cracked and ineffective trials in magistrates' courts cases and for cracked trials in the Crown Court. Prosecution reasons for cracked and ineffective trials, particularly witness issues, are higher than average in the magistrates' courts, although multiple listing has also impacted on the ineffective trial rate. The Area enjoys higher than average and improving witness attendance rates, so should consider carefully why it also faces higher than average rates of witness issues leading to cracked and ineffective trials.
- j In the Crown Court, witness issues and ending cases late contribute to cracked trials, but the largest cause is late guilty pleas. There appears to be a lack of awareness of causes and themes, and the possible interrelation of poor decision-making, poor case progression and late guilty pleas has yet to be fully acknowledged or addressed by Area managers. As a result, there is a lack of focus in efforts to improve effective trial rates.
- k There is significant room for improvement in the handling of unused material. In the magistrates' courts files examined, the prosecution's disclosure duties were met at the initial stage in about two-thirds of applicable cases, although timeliness was better. In the Crown Court, there was compliance with the initial disclosure duties in under half the cases; for continuing disclosure this rose to about 60%. The prosecution complied with its duties of continuing disclosure in all three applicable magistrates' courts cases, although in one, it was not timely. Sensitive material was dealt with properly in just over half of all applicable cases.

l A recurring failure was the absence to record fully disclosure decisions or the reasons for them. Whilst this can be readily corrected there were three instances of Crown Court cases where there was a failure to serve undermining or assisting material at the relevant stage, although there was no impact, ultimately, on the safety of a conviction. In one case, the material was later disclosed, and in the other, the defendant was acquitted. The Area has already identified disclosure as an aspect needing work from compliance monitoring of the Core Quality Standards.

m Three out of the 16 relevant cases in the file sample (nearly 20%) had the custody time limit (CTL) calculated incorrectly or not recorded at all. Given the Area's record of failures (seven since 2008-09), this is a matter of concern. One of the higher risk areas appears to be where the defendant had been bailed and later arrested for breach of bail. Equally, though, case progression systems do not prioritise custody cases, and there is no established practice of reminding the police of the expiry date or setting an appropriate target date when requesting additional work in custody cases. Nearly all the Area's CTL failures have been through lack of due expedition. The Area is conducting a review of CTL handling, and will wish to have regard to our findings.

Recommendation

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.

Area delivery at court

Fair

Preparation before court and the prosecution's performance at court

Performance expectation: Preparation for advocacy before court and delivery of the prosecution's services at court are effective and efficient, so as to enable cases to be dealt with in a way that is proportionate, timely and in the interests of justice.

2.3.1 Partners are concerned that case progression and review problems are impacting on how efficiently cases are dealt with at court. There are also concerns that the lack of paralegal support for advocates at the Crown Court, which is driven by pressure on resources, is hampering the smooth running of courts.

2.3.2 Court users expressed frustration at the need for associate prosecutors (APs) and agents to take instructions. The files examined and observations suggested that there may be reluctance on the part of some APs to seek immediate instructions or lawyers to take immediate decisions, and that the resultant adjournments could be avoided if APs or lawyers were more robust. The Area has recognised that there is a low rate of guilty pleas at first hearing in the magistrates' courts, and has recently decided to allocate lawyers to courts previously covered by APs in order to improve the guilty plea rate. The early signs are that this is succeeding. The Area will need to satisfy itself that the additional resource cost is outweighed by increased guilty pleas, and a reduction in re-work or duplication.

2.3.3 We observed 27 in-house advocates and seven counsel; all but two were assessed as meeting or exceeding the expected standard. Stakeholders' comments on advocates were generally favourable (including the recent introduction of APs to conduct youth court remand hearings), save that it was felt there was scope to improve trial advocacy in the Crown Court, especially cross-examination. Crown advocates could be developed by the introduction of more contested work, which would strengthen their skills and give them valuable experience.

2.3.4 Core Quality Standard 6 requires that cases are presented firmly and fairly. Only one of the in-house advocates failed to meet the required standard. However, the lack of proper instructions, poor endorsements, and concerns that cases are not progressed as efficiently as they could be means that the standard is only partially met.

Stronger points

- a There are few agents used in the magistrates' courts, and associate prosecutor deployment and effectiveness is reviewed periodically.
- b Nearly all the advocates observed at court met or exceeded the required standard.
- c The Area's managers have gone beyond simply using the Group Advocacy Assessor to assure themselves of quality, bringing in informed externals to provide another viewpoint.
- d The lack of proper endorsements and the impact on finalisations have been recognised by the Area, and work has been done to address performance.

Aspects requiring improvement

- e Instructions to advocates were rated as fair or poor in nearly 70% of cases examined, a finding that was supported by views from stakeholders. There was also a failure at the charging stage in a quarter of cases to give clear guidance to the court advocate and therefore advocates are hindered in making progress. Lack of proper case analysis and strategy, or instructions on pleas were significant contributors to the findings.
- f In one in six cases in the file sample, the advocate did not take all necessary action to progress the case at court, which supported stakeholders' concerns and observation at court that it was not always possible to get a decision immediately. The Area is now deploying a lawyer to screen cases charged by the police to ensure that they can progress at the first hearing.
- g Court endorsements were good in just under half of cases, with the rest being fair or poor. The quality made it difficult at times to ascertain what had happened, and to evaluate the reasoning for key casework decisions, including one very serious case in the file sample. Poor endorsements impact the ability of other staff to correctly finalise cases and generate accurate data and reports, as well as giving an accurate account to a victim or witness. We saw an instance where the letter to the victim was misleading as a result.

Area outcomes for users

Fair

Delivering fair and just outcomes

Performance expectation: The Area focuses on delivering fair and just outcomes in prosecutions for everyone using the service, in a way that is proportionate and effective.

2.4.1 Victims and witnesses are not being given consistently the level of service they deserve, although there are pockets of good work, mainly in seeking bail conditions or remands into custody appropriately, and in keeping witnesses informed as cases progressed.

2.4.2 Successful outcomes in hate crimes are worse than the national average and deteriorating. Increasing efficiency in case progression, more consistent performance management, and quality assurance should help address these defects.

2.4.3 Core Quality Standards 7, 8, and 9 relate to this aspect of Area performance. Victims are being protected by appropriate applications for custodial remands or bail conditions. However, in too many cases applications for special measures are not timely and victim personal statements are not used as often as they should be. As a result, Standard 7, which concerns victim and witness needs, is not currently being met. Standard 8 is being partially met by the provision to victims of prompt explanations as to why cases have been stopped or charges reduced in nearly four out of five cases, but with variable

quality and inaccurate information in too many instances. Standard 9 is in place to drive up the quality of the prosecution’s role in sentencing convicted defendants. Advocates were adequately prepared to deal with sentencing in most observations, and appropriate orders were sought in three quarters of cases. Proceeds of crime applications and the delivery of pre-sentence information to the Probation Service were dealt with appropriately. Taken together, these indicate that the standard is met.

Stronger points

- a Bail conditions or remands into custody to protect the victim or public were sought in nearly all appropriate cases.
- b There has been good work within the RASSO on the use of intermediaries to assist victims and witnesses to give their best evidence in sensitive and difficult trials.
- c Witness attendance rates are better than the national average and improving. Waiting times for witnesses in magistrates’ courts and Crown Court cases are better than nationally, and most of the witness waiting time measures show improvement since 2008-09.
- d Four complaints files were examined, and in three of the cases the substantive responses were sent on time, and the fourth was only a little late. Although there was no information given as to how to take the complaint further if dissatisfied with the explanation, in all other respects, the responses were good.

Aspects requiring improvement

- e Lack of robustness and delay in the case progression units impacts on the ability of Witness Care Unit staff to resolve queries and give accurate and timely information to victims and witnesses, although CMS shows that there is regular contact where the information is available.
- f The difficulties in the units also mean that defence practitioners are not receiving the level of service they need in order to fulfil their role in the criminal justice system.
- g Whilst the right kind of special measure was sought in nearly 80% of cases, applications were timely in less than two thirds. Mandatory detailed needs assessments were not taken from witnesses in over a quarter of cases, which is worse than the national average, although the figures for 2010-11 showed improvement over 2009-10.
- h In the Crown Court, there were concerns expressed about the reluctance of some staff and counsel to undertake proper witness care at court, with court staff and the Witness Service having to step in.
- i In two thirds of cases examined, victims were either not consulted on the acceptability of pleas being offered by the defence, or, if they were, their views were not recorded. There was no letter sent to the victim after a charge had been dropped or substantially altered in just over 20% of appropriate cases, and the standard of letters was low. None was excellent, and nearly two in five were fair or poor. There were several instances where the letter was misleading, with inaccurate information either as to what had led to the outcome, or the reasoning behind decisions.
- j There was a victim personal statement in less than half the cases where one ought to have been used.
- k Outcomes for hate crime (racially or religiously aggravated offending, homophobic or transphobic incidents, disability hate crime and violence against women) are all worse than the national average. Most have deteriorated since 2008-09, although outcomes for hate crime overall have improved since 2007-08. The RASSO team ought to be providing an enhanced service to victims and witnesses, but at charging, there was little evidence of this in the consideration of special measures and other victim and witness issues, or in the speed of charging decisions. Evidence in the file sample of lengthy delays was supported by criminal justice partners' concerns, although a recent effort to tackle the advice backlogs should assist in reducing the average time taken.

CPS West Yorkshire Area efficiency and value for money

Fair

Governance in the Area

Fair

2.5.1 Area managers have an important role in managing staff, processes and the operational liaison with partner agencies to ensure delivery of key priorities and objectives. Governance within the Area is also influenced by the arrangements within the Group structure; this is especially so in the case of performance management.

2.5.2 Whilst there is a performance culture within the Area whereby managers are challenged and outcomes are examined, this is not leading to significant improvement in results or performance. It is apparent that a focus on one issue will drive up performance, but once the focus moves to something else improvement is not always sustained. Managers accept that more needs to be done to embed a culture of performance management that produces a mind set of delivering quality.

2.5.3 The Area priority over the past year has been on clearing backlogs and establishing systems and processes that allow the work to progress in an efficient manner. This change could only begin once the Area restructured to two centralised offices. Whilst bringing processes and systems together has produced better resilience in terms of deployment, a culture of processing the work through the system, to the detriment of quality, has been seen as the priority. The Area recognises this issue and its vision for 2011-12 is 'quality performance'.

Stronger points

- a The provision of performance information across the Area is extensive. Managers at all grades are part of performance management meetings where they are challenged on performance outcomes.
- b Area managers have worked effectively with partners in Her Majesty's Courts and Tribunals Service to reduce the number of sessions in the magistrates' court.
- c Communication and staff engagement within the Area, through a variety of mechanisms, is effective. Staff views were actively sought and major initiatives such as the change to the paralegal officer role were handled through local implementation groups.
- d The creation of two large case progression units for magistrates' court and Crown Court work has resulted in economies of scale and created resilience.

Aspects requiring improvement

- e Individual performance management needs to be strengthened. There seemed a reluctance by some lawyer managers to proactively manage their staff, although some of this may have been as a result of a lack of effective time to manage. The Area also accepts that its line management structure did not assist in providing the requisite level of oversight.

- f There are tensions in the relationship with the police. The Area feels that it is being let down by the quality of the service provided by the police and the police consider that inconsistent advice, multiple requests for information and poor decision-making makes it difficult for them to do their job effectively. Inspection findings show that there is evidence to support both views.
- g The Area is expending resources to capture data and information about the quality and timeliness of police file submission, but partnership arrangements for using this data are inconsistent and ineffective. The Area needs to introduce a performance management regime which will focus activity on the key issues which it can work on with the police to drive up performance and improve outcomes.
- h The Area needs to re-establish a consistent and effective joint performance monitoring regime with the police. Previous arrangements at the local level were abandoned when the CPS moved out of police accommodation. A lack of agreed performance measures and very limited bi-lateral discussion adds additional tension to an already fractious relationship.

Recommendation

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.

Staff deployment practices Fair

2.6.1 The Area has been subject to some significant fluctuations in caseload over recent years and this has resulted in some significant reductions in budget, managed by reducing staff numbers. It provided some of the impetus for centralising the Area into two offices. This strategy whilst allowing the Area to come closer to meeting its budget led to significant backlogs of work as the loss of staff reduced its capacity to deliver some key functions.

2.6.2 The Group has moved administrative and legal work between Areas as a solution to some of the staffing shortages. Innovative thinking has been applied to allow the Group to manage its problems effectively.

2.6.3 Caseload is used to determine staffing profiles and to allocate staffing to teams. There is a strong ethos of working across the Area to deliver the business. Staff have moved from Leeds to Bradford to cover specific tasks and to balance resourcing difficulties.

2.6.4 Resources are now prioritised on the case progression teams in order to deal with the detrimental effect that initial resourcing was having on the quality of analysis, the duplication of effort, late preparation and outcomes. This change should result in some improvement in the effectiveness of Area processes.

Stronger points

- a Managers in the Area take a holistic view when considering staffing. Reductions in staff numbers have resulted in a strong corporate view of where and how to deploy resources to the maximum effect.

- b The transfer of work from CPS West Yorkshire to other Areas in the Group demonstrates an innovative approach to resource deployment and also demonstrates the benefits that economies of scale can bring.
- c Over 50% of cases in the magistrates' court are being covered by associate prosecutors. The participation of the Area as a pilot site for associate prosecutors to undertake extended rights in the magistrates' court also allowed the Area to free up some lawyer resource to concentrate on case preparation and analysis.
- d The Area exceeded its counsel fee savings target of £1million by over £112,000 through deployment of its crown advocates in 2010-11.

Aspects requiring improvement

- e Using paralegal officers to undertake case analysis (supported by a lawyer mentor) allowed the Area to process cases that would have usually been reviewed by lawyers. Whilst this approach allowed for the processing of work in terms of volume, the level of proactive case analysis has not been entirely sufficient.
- f The Area has placed a lawyer in the Magistrates' Court Case Progression Unit to review police charged files and to provide instructions for the advocate in court. The aim is to weed out inappropriate cases and give instructions that improve case progression at the first hearing. However, the benefits of this process were reduced by the volume of cases which had to be reviewed. The Area will need to consider whether more resource should be put into this function to achieve the desired aim.

Efficiency and cost effectiveness	Fair
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Systems are efficient and cost effective

2.7.1 The Area has planned a number of significant changes well and delivered centralisation with minimal disruption. Staff shortages in key grades have resulted in a number of significant backlogs and the effectiveness of some processes has been significantly undermined.

2.7.2 Process examination during the inspection and the file examination highlighted a number of cases in the system that should have been removed at an earlier stage.

2.7.3 CPS effectiveness has the potential to impact on the effectiveness of other agencies. Some of the process weaknesses identified during the inspection within case progression functions have an impact on both police and court effectiveness. The Area needs to consider how improving its processes could reduce some of the tensions that exist around inter-agency collaboration.

Stronger points

- a The planning, training and communication of the change to paralegal officer duties to undertake case progression functions was well handled.
- b The creation of consistent systems and processes across the Area's two offices has helped to develop working practices that allow staff to be interchangeable and therefore produce a greater resilience.

Aspects requiring improvement

- c Pre-trial management checks in the Magistrates’ Court Case Progression Unit were ineffective. In too many cases the timing of the check three weeks prior to trial results in superficial scrutiny before all relevant information has been received. There is limited analysis and the value of this process is extremely limited.
- d The file sample and on-site casework checks highlighted that poor decision-making was too often allowed to drift through the system. Cases that should have been strengthened or discontinued at an earlier stage were still being processed. This not only has a cost for the CPS but also results in additional resource burdens for the police and the courts.
- e Management checks of administrative processes needed to be improved. In some instances during our process examination the throughput and management of the flows of work seemed haphazard and lacking of control.
- f The use of the trial date for managing workflows has a significant risk when resources do not allow for effective review well in advance of the trial. In all the case progression units, trial review was taking place within a few days of the trial, leaving no time to address weaknesses which can increase tensions with the police. The Area needs to consider how it can improve its current system to remove duplication and produce timely workflows.

- g Work moved from the Area into South Yorkshire resulted in re-work and an increased amount of quality assurance checks due to problems with the work standard required. The Area recognises that any future cross Group working should be supported by better planning from the outset.

Budget management	Good
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2.8.1 The Area has taken a very firm view on budgetary control, with all approval for spend being managed by the Finance Manager and spending decisions approved by the Senior Area Business Manager. There has been no budget delegation within the Area.

2.8.2 Performance against the non ring-fenced administrative costs budget has fluctuated in recent years; some of this as a result of changes in budgetary allocation due to caseload changes. The Area overspent by 1.1% in 2009-10 and achieved a small underspend of £13,317 in 2010-11.

Stronger points

- a Budgetary controls and systems are effective. There are sound systems for accurately assessing committed expenditure and thus enabling accurate forecasting. There were sound systems for managing changes to payroll costs.
- b There is a strong ethos in the Area at all levels to reduce costs and deliver savings. The systems and processes for the approval of spend, including the authorisation of all expenses by the Area Finance Manager has helped raise the awareness of the importance of budgetary management and control.

- c The Area has a dedicated administrative resource for the management of cases involving proceeds of crime. The Area has exceeded its POCA target maximising its funding for this work.

Aspects requiring improvement

- d Due to administrative staff shortages a backlog of finalisations had built up. More recently Area cases have been transferred to South Yorkshire to be processed. There is some work to do to ensure that the finalisation of cases is both timely and accurate. Managers were aware of the impact that incorrect finalisations can have on the budget.

Managing prosecution costs **Good**

2.9.1 Area systems in 2009-10 were not adequate and the Area significantly overspent on prosecution costs. As a result West Yorkshire commissioned an audit of its processes and systems and created a structure of controls that required assurances from those involved. This has produced a system which is firmly embedded and resulted in a set of process controls that stand up to scrutiny.

2.9.2 The allocation for prosecution costs in 2010-11 has been increased through adjustments from CPS Headquarters, although this increase has been necessary due to a significant rise in Crown Court caseload. The Area is anticipating a slight overspend on prosecution costs due to a budget reduction as a result of overachieving its crown advocacy target (£10,000).

2.9.3 A revised approach to the handling of fees within the Group is being developed, using best practice from the West Yorkshire approach.

Stronger points

- a The revised systems for the management and control of prosecution costs have been fully embedded across the Area.
- b Better controls have resulted in paralegal assistants and officers having a better understanding of fees and the adverse impact of poor fee log endorsements. System checks are in place with fee logs returned for correction and clarification in cases where there are discrepancies.
- c The Area has written off over £15,000 of graduated fees claims which were submitted too late by chambers in the past six months. The Area has worked hard to ensure that all local chambers know that late claims will not be paid.
- d The Area was able to evidence examples of where they had negotiated lower fees in relation to expert witnesses. All fees for expert witnesses are approved by the Finance Manager or the Area Business Manager.

Aspects requiring improvement

- e The Area has started raising awareness amongst staff of the financial implications of decision-making and how decisions on preparing cases can influence the level of fees. Whilst there was some evidence of discussion at team meetings a more systematic approach is needed to ensuring that the link between decision-making and cost is understood.
- f Of the ten cases in the file sample where we examined graduated fees scheme payments, potential savings were identified in four. The total value of the savings was just over £2,700 equating to just over 24% of total spend in the ten cases. Over £2,400 of the unnecessary expenditure arose from poor decision-making.

CPS South Yorkshire Area casework

Fair

Area decision-making

Poor

Reviews and decision standards

Performance expectation: Reviews and decisions in magistrates' courts and Crown Court cases are of a high standard, so as to deliver improving outcomes.

2.10.1 Charging is now delivered largely at Group level under the Daytime Direct scheme, but the Area retains responsibility for charging decisions in certain cases. In the finalised file sample, three cases were correctly charged by South Yorkshire Police, and ten received charging advice from Area lawyers of which one failed the Code test.

2.10.2 Subsequent full file review decisions were poor with eight cases failing the Code test including the one that failed at the charging stage and another that was wrongly discontinued. In several cases lawyers lacked the confidence to challenge decisions made by colleagues or did not seek to strengthen cases or discontinue weak ones in a timely fashion. In our file sample the standard of decision-making in both the magistrates' court and Crown Court case progression units was frequently not of a sufficient standard or took place at too late a stage in the process.

2.10.3 Although several examples were noted where reviewing lawyers had worked hard to build strong cases by regular liaison with police colleagues and the prosecution advocate, equally there were cases where there was a lack of grip resulting in case drift and the failure to grasp opportunities to strengthen the evidence or eliminate potential weaknesses.

2.10.4 Nevertheless, the Area's successful outcomes in both magistrates' court and Crown Court cases remain higher than national rates. Some signs of deterioration in Crown Court successful outcomes are evident.

2.10.5 Core Quality Standard 5 covers the majority of post-charge case decisions taken by prosecutors. The Code failures at full file review, the fairly low standard of case reviews and the absence of necessary ad hoc reviews mean that overall, Standard 5 is not being met.

Stronger points

- a Charging decisions taken by Area lawyers in the Serious Crime team were better in many respects than those which went through DD.
- b The decision to discontinue complied with the Code in 13 of the 14 cases in our files sample. However in half of these cases, the decisions were not timely resulting in further wasted resources.
- c The Area's rate of successful outcomes in Crown Court cases was significantly higher than the national rate in 2010-11 but lower than the Area's successful outcome rate in the previous year. Successful outcomes in magistrates' court cases were slightly better than national rates and the previous year's figure.

Aspects requiring improvement

- d The quality of the ten MG3 charging decisions by Area lawyers was no more than fair in half with three rated good and two poor. One failed the Code test on public interest grounds and similarly failed at the full file review stage despite the undermining nature of further material received. Of the South

Yorkshire cases wrongly charged by DD prosecutors, a third were identified as weak cases and promptly discontinued at post-charge review. Overall 85.2% of all post-charge decisions were Code compliant. The absence of sustained supervision and analysis of lawyer's decision-making has contributed to these outcomes.

- e Although in our file sample there was a high proportion of full file reviews recorded on the CPS case management system (87.1%), the standard of the review was satisfactory in just over half of those cases. Ad hoc reviews were comparatively rare and were only added in just over a third of relevant cases.
- f Throughout the last two years, Area managers have not been able to maintain adequate quality assurance systems to enable evidence based learning to be disseminated to its lawyers. While brief reports of discontinued magistrates' court cases have been collected, it is only in more recent months that analysis of unsuccessful Crown Court cases has been prepared. It is also unclear what use has been made of these reports. It is accepted by the Area that their use of the CQSM facility was slow to start compared with other Areas or Groups and greater benefits need to be derived from this system.
- g Core Quality Standard 5 covers the majority of post-charge decisions taken by prosecutors. The failure to correct poor charging decisions, Code test failures at full file review and the number of cases where lawyers have failed to add value by their interventions, mean that overall Standard 5 is not being met.

Recommendation

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

Area case progression

Poor

Effective case progression and case management

Performance expectation: There is effective case progression in all cases, case management is proactive, and systems and actions are geared to the delivery of effective hearings and successful outcomes.

2.11.1 The Area has made significant structural changes in both its magistrates' court and Crown Court units in order to deliver a more streamlined case progression system but performance has yet to match expectations in either unit. Changes in management of the magistrates' court unit and the regular abstraction of lawyers have contributed to a culture of late discontinuance and last minute trial preparation.

2.11.2 South Yorkshire has struggled to improve the effectiveness of its handling of the disclosure of unused material. Following the HMCPSI thematic report in 2008¹⁵, the Area's disclosure champion prepared a report for management recommending process improvements and additional training for prosecutors. More recently in 2010, weaknesses in the handling of sensitive unused material contributed to the abandonment of two high profile prosecutions conducted by the then

15 A thematic review of the duties of disclosure of unused material undertaken by the CPS (May 2008).

South Yorkshire and Humberside CCU. There is now increased monitoring of decisions and mandatory training of lawyers in order to ensure compliance with the disclosure requirements and to preserve the confidence of other stakeholders.

2.11.3 In the Crown Court, there is a preliminary hearing for every case sent or committed from the magistrates' courts irrespective of the type of offence or the remand status of the defendant. This is designed to allow the judges to influence the timetabling of contested cases or identify likely guilty pleas at an early stage. Originally the prosecution had supported this scheme but had more recently opened negotiations with the Recorder to discontinue the practice except by agreement. It is clear that the delays occurring in the Volume Crime team have prevented the prosecution taking advantage of this hearing to progress cases as envisaged by the original agreement and in some cases observed more could have been done at court to facilitate an early guilty plea.

Stronger points

- a We looked at five rape cases, three involving allegations of child abuse or other serious sexual offences and 12 involving domestic violence. Overall there was close attention paid to these cases but some were prone to the same decision-making failings discussed earlier. In some it appeared that counsel had assumed the lead role in driving the case forward instead of the reviewing lawyer. In others there was evidence of a healthy and productive working relationship between investigator, reviewing lawyer and advocate.
- b The magistrates' court ineffective trial rate was 15.5%, better than the national rate of 17.5%. The prosecution was responsible for just over a quarter of the ineffective trials which is also better than the national rate. There were six ineffective trials in our file sample and the prosecution could have prevented two. Cracked trial rates in South Yorkshire magistrates' courts, at 40.7% for 2010-11, are higher than the national average. The prosecution was responsible for just over one in three cracked trials.
- c In the Crown Court, there is a high rate of cracked trials that peaked at 68.2% in 2009-10 compared with the national rate of 42.2%, but the prosecution was only responsible for about 10%. The Crown Court ineffective trial rate of 14.0% is similar to the national rate of 13.5% for 2010-11 but has climbed significantly from 10.7% throughout 2009-10. The prosecution was responsible for a third of the ineffective trials listed. There were six ineffective Crown Court trials in our file sample of which one was avoidable by prosecution action.
- d Indictments in Crown Court cases were correctly drafted in 85% of cases. Errors were caused by careless oversight rather than legal error.
- e Despite a serious custody time limit failure recorded during the year 2010-11, monitoring systems were found to be compliant with national minimum standards and effective. Dates were correctly calculated in 92.9% of cases in our checks. There were some examples where the files were not adequately endorsed where defendants had been bailed but no record of the unexpired portion of the CTL had been made.

Aspects requiring improvement

- f Neither case progression unit has performed as well as Area managers had expected and there has been a clear impact felt in terms of both the quality and timeliness of how cases are progressed and managed from first hearing to trial. Our file examination of 63 cases revealed that case progression was excellent in one. A further 15 (23.8%) were rated good but the remaining 74.6% were either fair or poor. Overall, there was poor case progression in almost one in every five cases.
- g The Magistrates' Court Case Progression Unit had failed to comply with pre-trial directions in 12 out of 14 magistrates' courts cases (85.7%) although the systems to monitor compliance have now been strengthened. Other court users appeared to tolerate this by a willingness to agree applications or evidence either at or just before trial. In the Crown Court, the prosecution complied with directions before the PCMH in 60.6% of cases but in only 41.2% between PCMH and trial. We found examples of the prosecution case served late and applications for special measures to assist vulnerable witnesses served outside statutory time limits. More recently, a more systematic approach to the recording of judges' orders has been developed in the Volume Crime team so that this issue can be addressed.
- h The duty of initial disclosure was complied with fully in 34.5% of cases with little distinction between magistrates or Crown Court files, and was timely in 84.2% of Crown Court cases but in only 21.1% of magistrates' court cases. Three cases were identified where undermining or assisting material was not disclosed but because of the outcomes none of the failures was likely to have prejudiced the defendant in any way.
- i The duty of continuing disclosure was discharged appropriately in 75.0% of magistrates' court cases and in 80.8% of Crown Court cases. It was timely in all of the relevant magistrates' court cases and 76.9% of Crown Court cases. Again, there were two where material was not disclosed that ought to have been but again, no miscarriage of justice occurred. Sensitive unused material was dealt with appropriately in 64.9% of cases. There is no protocol in place in the Area governing the handling of unused material held by third parties such as local authorities and the implementation of one along the lines of the national model would be beneficial to all parties.
- j Discontinuance was timely in just over half the relevant cases (56.8%).
- k The use of CMS was good in almost half of the cases we examined (43.5%) but fair or poor in 56.5%. There were errors or omissions found when flagging some specialist categories of cases and when finalising results from court. The use of full file reviews is high but the Area needs to increase its use of the ad hoc review facility to record ongoing decision-making.

- l Core Quality Standard 5 is concerned with case preparation and the active management of cases to conclusion. For some time, weaknesses in the proactive management of cases in all courts coupled with poor performance in handling unused material mean that overall the Area is not meeting Standard 5.

Recommendation

The Area needs to ensure that its case progression units are effectively performance managed to ensure efficient processes and sound legal decision-making.

Recommendation

The Area needs to maintain its focus on improvement of the quality and timeliness of its handling of unused material in all cases by working with police partners and closely monitoring lawyers' performance.

Area delivery at court

Fair

Preparation before court and the prosecution's performance at court

Performance expectation: Preparation for advocacy before court and delivery of the prosecution's services at court are effective and efficient, so as to enable cases to be dealt with in a way that is proportionate, timely and in the interests of justice.

2.12.1 Agents are not used in the magistrates' courts and this has brought efficiency benefits to the Area in financial terms, but the impact on prosecutors has been to limit the preparation time they have before court. Prosecutors were observed on several occasions picking up cases unseen shortly before going into court. This appeared to be due to late changes to court rotas but did not affect the progress of cases.

2.12.2 Inspectors observed seven prosecutors; all were assessed as meeting the requirements of the CPS National Standards of Advocacy.

2.12.3 In 78.3% of cases in our file sample prosecution advocates took all necessary action to enable progress to be made at the first hearing. Where progress could not be made, the reasons frequently advanced were the late receipt of additional material from the police or the late service of such material upon the defence.

Stronger points

- a Comments from other court users and our own observations have shown that associate prosecutors are fully aware of the limits of their powers and are able to consult with lawyers without difficulty. The lawyer manager (Magistrates' Court Advocacy Unit) has assumed the role of notional supervisor to all APs in the Area and has carried out a number of advocacy assessments including giving appropriate feedback.
- b Several occasions were observed where prosecutors carefully kept victims and witnesses up to date with developments in cases affecting them.
- c The decision to accept pleas at trial was correct in all relevant cases in our file sample. There were four examples of guilty pleas entered on a specific basis and in three of these, the basis was reduced to writing to ensure there was clarity at the sentencing stage.
- d In three quarters of the cases examined, prosecution advocates had made applications for the appropriate ancillary orders including compensation, restraining and destruction orders. In the other cases, it was not possible to confirm that applications had been made due to the lack of adequate file endorsement.

Aspects requiring improvement

- e Crown Court preliminary hearings in sent cases were not always fully effectively as there was often insufficient information available to advise the court of likely pleas, trial issues or witness availability. This could also be the situation in cases committed for trial, where a greater volume of casework material could be expected but CCTV tapes or DVDs of vulnerable victims had still not been viewed by defence advocates so that pleas were not forthcoming.
- f Instructions to the prosecuting advocate were good In just over a third (35.9%) of cases examined. The remainder (64.1%) were either fair or poor. Those considered good had a clear and coherent case theory or strategy set out and commented objectively on the strengths and weaknesses in the case.
- g The quality of court endorsements need to be improved. A third of files that we examined had excellent or good endorsements, most of which were recorded in Crown Court trials where paralegal officers had maintained regular coverage of the case. Common omissions were full records of the bail or remand situation for each defendant or a succinct narrative setting out the events at summary trial and the basis of court decisions or rulings.
- h Core Quality Standard 6 requires that cases are presented firmly and fairly. All advocates observed met the required standard but the poor quality of many court endorsements and instructions to advocates means that overall the standard is partially met.

Area outcomes for users**Good****Delivering fair and just outcomes**

Performance expectation: The Area focuses on delivering fair and just outcomes in prosecutions for everyone using the service, in a way that is proportionate and effective.

2.13.1 At the charging stage, the needs of victims and witnesses were identified in two thirds of relevant cases but special measures applications were not timely in 38.9% of cases and applications could be made as late as a few days before trial due to delays in reviewing medical evidence. However, the Area has worked well to use an intermediary effectively in a sensitive case. Police managers confirmed that overall the prosecution were efficient in protecting victim and witness interests at trial although they considered that more attention was necessary to the interests of police officer witnesses who were warned unnecessarily.

2.13.2 The Area has an established Hate Crime Scrutiny Panel and the hate crime champion attends its quarterly meetings. Feedback is received from the panel in respect of the cases they select for examination including cases where a decision has been taken at the charging stage to direct no further action.

2.13.3 Most serious and sensitive cases are dealt with by the Serious Crime team within the Crown Court Unit. There has been a Sexual Assault Referral Centre established in the Area which has been helpful in the investigation of rape cases.

2.13.4 Our file examination showed that in nine out of ten cases, the protection of victims and the public at large had properly been considered by the prosecution when deciding what representations to make in respect of defendants' remand status. Stakeholders expressed the view that more use could be made of the opportunity to appeal against magistrates' decisions to grant bail.

2.13.5 Our observations in court showed that advocates endeavoured to assist the sentencing court with all relevant material including the drafting of terms of restraining orders in cases of harassment. However in the Crown Court it has not been the practice of crown advocates to serve the CPS plea and sentence document indicating the sentencing guidelines appropriate for the offence and any relevant case law. This practice was discontinued as Area managers believed that judges did not consider they assisted them in determining the proper sentence. This belief appears to be erroneous and the Area will wish to liaise with the judiciary to determine when they would benefit from the document.

Stronger points

- a Prosecutors were required in 14 cases to explain to the victim a decision to terminate a case or substantially reduce a charge. They did so in all but one case. Ten of the 13 letters were of a good standard with only three considered fair or poor. Communications are handled by the Area's dedicated unit known as the Victim Information Bureau and this system clearly provides a reliable service to victims.

- b There were also three cases involving a death where the Victim Focus Scheme applied. There was evidence of partial compliance with the scheme by prosecutors in each case although it was not possible to confirm that all steps required had been taken.
- c Witness attendance rates at 91.8% for 2010-11 exceeded the national rate of 87.7%.
- d There is an experienced domestic violence co-ordinator in the magistrates' court section who provides guidance to all prosecutors in the Area, analyses outcome rates in domestic violence cases and liaises with local interest groups.
- e The Area's outcomes in respect of all violence against women cases for 2010-11 were substantially better than national performance and showed an unsuccessful outcome rate of 23.8% compared to the national average of 28.5%. Within that, unsuccessful outcomes for domestic violence cases were 23.1% against the national rate of 28.1% and for all hate crime were 14.5% compared with 17.2% nationally.
- h Forty cases were identified where a victim personal statement should have been produced for any sentencing hearing. A suitable statement had been obtained in 57.5% of these cases.
- i A total of five files were examined where complaints had been received. Three were responded to within the 28 day timeframe. One response was delayed due to the need to await information from a third party. One response was considered excellent because of its direct approach to the issue raised and its use of plain English and one good. The other three were rated as fair.
- j Core Quality Standards 7, 8 and 9 relate to this aspect of Area performance. The protection of victims by appropriate applications for custodial remands or conditional bail is generally being assured but the use of victim personal statements and the timeliness of applications for special measures are both issues where victim and witness needs are less well served. Therefore Standard 7 is partially met. The prosecution are regularly providing explanations to victims of why cases have been stopped or charges reduced and these communications are timely and of good quality so that Standard 8 is being fully met. Standard 9 is in place to drive up the quality of the prosecutor's role in sentencing convicted defendants. Overall this standard too is being met based upon prosecution advocates' contributions to sentencing hearings by assisting the court and making appropriate applications for ancillary orders.

Aspects requiring improvement

- f Police managers expressed the view that they were rarely consulted by the prosecution before cases were stopped or lesser charges brought. Our examination of discontinued cases contained evidence of police consultation in 57.1%. The Area accepts this is an aspect that requires improvement.
- g There were six cases in our sample where we considered that it was appropriate to have sought the views of the victim before accepting pleas but in only half was there evidence that such consultation had taken place.

CPS South Yorkshire Area efficiency and value for money

Fair

Governance in the Area

Good

2.14.1 CPS South Yorkshire has traditionally been a stable and high performing Area. However, there has been a significant amount of senior management changes in the last few years. This, combined with structural changes in recent months, has impacted on the Area's performance.

2.14.2 Increasing the efficient use of resources has been a driving force behind a number of internal changes made to the Area's structure. Staff based at the three satellite locations have been brought back to Sheffield; the Area has set up Volume Crime and Serious Crime casework teams in the Crown Court; and has also contributed staff and resources to the Group Advocacy and Charging Units. At the time of our inspection, many of these changes were still being embedded.

2.14.3 CPS South Yorkshire has been working collaboratively with the police and the Courts and Tribunals Service to increase operational efficiency. The Area has negotiated a substantial reduction in magistrates' court sessions, whilst increasing designated AP and AP2 sessions, freeing up lawyer resources to undertake case progression activity. The Area has also been working on the timeliness and quality of files coming from the police through the Local Criminal Justice Board Efficiency and Effectiveness subgroup.

2.14.4 In the last year the Area senior management team has worked to address a number of performance and attendance issues with individuals, including some managers. These issues are still being resolved and we acknowledge that the effective management of these issues has taken up a considerable amount of the Area leadership team's focus.

Stronger points

- a Internal communication to South Yorkshire staff during this period of significant change has been very effective. Whilst not all change was welcomed, staff were appreciative of the efforts made around communication and most felt that they had been adequately consulted for their views.
- b The Area has open and constructive relationships with the police and the courts, which has allowed for effective joint working and the tackling of some joint performance issues.
- c The Area has historically had a high level of sick leave but this is starting to be addressed. The average sick leave at the end of the third quarter of 2010-11 was 9.8 days (rolling 12 month average), down from 10.3 days in 2007-08.

Aspects requiring improvement

- d Gaps in operational leadership have contributed to some performance issues in the magistrates' court and Crown Court case progression units, with inadequate assurance of casework quality and supervision of key processes.
- e CQSM commenced in July 2010 but is not yet being used as a robust performance management tool to drive up individual performance. The potential benefits from CQSM have yet to be realised, in part due to inconsistent management and a failure to ensure that feedback is communicated effectively to individuals.
- f The Area has reduced the amount of performance information generated and analysed because of resource shortages and a desire to focus on core business. While this is understandable, there appeared to be an over reliance on Area outcomes, which have generally been above national average, to assure managers of performance.

Staff deployment practices **Good**

2.15.1 The Area has carried out a detailed analysis of its staff in post and commitments, in order to allocate effectively staff to Area and Group functions in the most efficient way.

2.15.2 The Area has a shortage of lawyers in the magistrates' court unit on certain days, which is dealt with through abstractions from the case progression units. The merging of the four outlying teams into one team based in Sheffield, has been undertaken to increase the resilience of the magistrates' case progression function, with an increase in the number of lawyer sessions available for this work.

2.15.3 In the Crown Court Unit, paralegal officers have been deployed on the Volume Crime Unit to undertake the majority of committal preparation, freeing up the lawyers for other work.

2.15.4 The Area has collaborated well with the Group to address staff and workload imbalances. South Yorkshire has a higher ratio of lawyers and administrative staff to caseload than West Yorkshire. To address this imbalance, the Group Charging centre has been moved to Sheffield so that South Yorkshire lawyers can contribute to Group functions without having to move offices. Similarly, the Area has taken on some Group administrative work, which has minimised the need for staff to change locations.

Stronger points

- a The Area has made good use of associate prosecutors in the magistrates' court, with AP deployment figures consistently above the national average. Negotiations undertaken with the magistrates' court have been successful in reducing the number of magistrates' court sessions overall, whilst increasing the number of AP-friendly court sessions.
- b In 2010-11, the Area's ten crown advocates undertook 1,327 advocacy sessions generating counsel fee savings of £668,866.85 (excluding VAT); this is approximately 22% of the Area's total graduated fees scheme spend. The crown advocates have been deployed to cover most Crown Court preliminary hearings, applications and sentences; although over 200 trials have also been covered by them.

Aspects requiring improvement

- c Even with the new merged unit, the Area is struggling to provide an adequate number of lawyers, which is creating worrying delays in case progression. Staff absences, court coverage and flexible working patterns mean that it is regularly without one or two of its allocated lawyers. Managers have been allocated advocacy sessions to try and cover some of the gaps, but there remains a shortfall.
- d The Area has performed below target and the national average in relation to in-house deployment of advocates in the magistrates' court but this has been a deliberate strategy to attempt to clear some backlogs in case progression. As of September 2010, all agent use in the magistrates' court ceased. The Area still needs to address how it will provide adequate lawyer resources to the case progression units without the use of agents, and are aware that they need to consider staff flexible working patterns.

Efficiency and cost effectiveness

Fair

Systems are efficient and cost effective

2.16.1 The case progression units in the magistrates' court and Crown Court are not yet working effectively to ensure timely case preparation.

2.16.2 In the magistrates' court unit, the Case Progression Manager has implemented a process for meeting court directions and progressing cases through to trial, however a lack of lawyers and robust management of resourcing, means that a backlog of cases has built up. Cases are being prepared a day or two ahead of their trial date, leading to late decisions to discontinue cases, witness issues being dealt with at the last minute and prosecutors lacking adequate preparation time to present cases in court.

2.16.3 Some issues relating to the management, structure and resourcing of the Crown Court Volume Crime Unit have delayed its implementation. At the time of our visit it had been operational for approximately six weeks. The unit is staffed with paralegals, who prepare approximately 80% of committals under the supervision of lawyers. During the week of the inspection it was working to a service date four days ahead for custody cases and a week ahead for non-custody cases.

Stronger points

- a The Area has reviewed the processes around the Crown Court case progression unit and modified them to take account of initial findings and staff views. The Area has also changed paralegal staff deployment patterns. The unit now appeared to be working more effectively and greater consistency in the resource allocation was allowing staff more time to get to grips with the tasks.
- b Both the Crown Court and magistrates' court units are focusing on court directions to ensure compliance. Both units have implemented a central diary to record and monitor directions, which are overseen by managers.

Aspects requiring improvement

- c In the magistrates' court unit, a lack of lawyers to undertake the necessary legal tasks means that cases are being prepared one or two days before trial. Our file examination bore out these problems with case progression. Twelve of the 14 cases (85.7%) examined had failures to comply with pre-trial directions, although the Area's ineffective trial rate is still slightly better than the national average.
- d In the Crown Court Volume Crime Unit, committal preparation is a priority, which means that correspondence is not always dealt with expeditiously. The Area has recently assigned a lawyer and paralegal officer to deal daily with the unit's post, however there was no central oversight of correspondence in those cases where there still was individual file ownership which meant that correspondence was not dealt with when paralegal officers were absent.

Budget management

Good

2.17.1 Under the Group structure, most of the day to day management of Area finances is conducted through the Group Operations Centre. Area managers have limited direct impact on budget performance, although work such as managing attendance and the use of agents can make a contribution.

2.17.2 CPS South Yorkshire has operated within budget for non ring-fenced administrative costs over the last three years. There is clear evidence that Area decisions have been influenced by value for money considerations; all the recent structural changes were supported by clear cost/benefit analysis.

Stronger points

- a There is a good level of oversight of administrative expenditure with clearly defined delegation levels for Area staff.
- b South Yorkshire is in the unique position of being able to generate revenue through the provision of records management services for other CPS Areas.

Aspects requiring improvement

- c There is a perception by some staff that the allocation of the Group budget has been unfair to South Yorkshire as an Area. This is not borne out by the figures, based on budget allocation and staff numbers compared with caseload. This perception needs to be managed to ensure effective cross Group working.
- d The Area recognises that it needs to improve the timeliness of recording hearing outcomes and finalisations in Crown Court cases. Late finalisations can impact upon future budgets as Group and Area budgets are assigned on the basis of case activity over a particular period of time.

Managing prosecution costs

Fair

2.18.1 The payment of fees for Area cases has been managed by a fees clerk with oversight from the Group Finance Manager. At the time of our inspection, the Area was in the process of establishing a graduated fees unit for the Group, which will manage the processing of all graduated fees scheme (GFS) payments for the Group, aside from CCU cases.

2.18.2 The Area operated within its prosecution costs budget in 2009-10 and is predicted to do so in 2010-11.

2.18.3 At 31 March 2011 the rolling year unit cost per case in South Yorkshire was £868. This is below the national average of £955 and down from a unit cost of £968 at the same time last year. However, our file analysis showed that there was considerable scope to reduce the unit cost per case further.

Stronger points

- a The Area has operated a strict policy of writing off counsel fees if they are not claimed after three months. In November 2010, 99% of South Yorkshire GFS fees (year to date) were paid in the 20 day time standard.
- b There are strict controls on the selection of counsel and an assumption that crown advocates will be instructed in all appropriate cases.
- c A 2010 audit of the Area's processes by CPS Headquarters found minimal errors in relations to fee payments.

Aspects requiring improvement

- d A review of ten Crown Court cases by the Inspectorate revealed a significant amount of fees (44.3%) paid to counsel unnecessarily. While the majority of these unnecessary payments related to poor decision-making, there were still some significant costs incurred through serving unnecessary pages of evidence and ineffective case progression on the Area's part.

- e There has been limited analysis undertaken to identify aspects where unit costs could be lowered and there was insufficient awareness by staff of GFS or their role in minimising prosecution costs.

- f It did not appear that feedback about errors in the way fees were calculated were passed onto the individuals to drive improvements in performance.

Section three: Annexes

A CPS Core Quality Standards

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

There follows an extract from the published document¹⁶ setting out briefly what each standard requires from the CPS when delivering its casework:

CQS 1: We will provide the police and other investigators with advice to assist in tackling crime effectively and bringing offenders to justice.

CQS 2: We will make timely, effective and fair charging decisions in accordance with the Code for Crown Prosecutors.

CQS 3: We will use out of court disposals as alternatives to prosecution, where appropriate, to punish offenders, gain reparation for victims, to rehabilitate offenders or to secure a paid penalty.

CQS 4: We will oppose bail for defendants where appropriate, taking particular account of the risk posed to victims and the public.

CQS 5: We will prepare all our cases promptly and in accordance with the Criminal Procedure Rules so that guilty pleas can be entered at the earliest opportunity and fair trials can take place on the appointed dates.

CQS 6: We will present our cases fairly and firmly.

CQS 7: We will assess the needs of victims and witnesses, keep them informed about the progress of their case and seek appropriate support to help them to give their best evidence.

CQS 8: We will explain our decisions to victims when we stop cases or substantially alter the charge.

CQS 9: We will assist the court in the sentencing process and seek to confiscate the proceeds of crime.

CQS 10: We will consider whether to exercise our rights of appeal when we believe the court has made the wrong legal decision.

CQS 11: We will deal promptly and openly with complaints about our decisions and the service we provide.

CQS 12: We will engage with communities so that we are aware of their concerns when we make decisions.

¹⁶ http://www.cps.gov.uk/publications/core_quality_standards/

B Staffing levels and budgets

Staffing levels at March 2011					
Grade	Group	West Yorkshire	South Yorkshire	Group Operations Centre	Complex Casework Unit
Chief Crown Prosecutor	4	1	1	-	-
Level E (inc Area Business Manager)	8	3	3	-	2
Level D	27	10.4	7.8	-	-
Crown advocates	65.4	25.1	13	-	8.8
Level C lawyers (inc legal trainee)	112.2	44.9	33	-	-
Associate prosecutors	48.1	26.7	10.9	-	-
B3 managers	4.8	-	1.8	3	-
Level B2 paralegal business managers	22.3	5.1	5.8	5.8	1
Level B1 paralegal officers	54	18.3	14.2	-	3
B1 line managers	64.1	35	13.5	-	-
Level A staff	182.6	74.7	53.2	3	5
Total	592.5	244.2	157.2	11.8	19.8

Staffing numbers in both Areas have reduced in 2010-11 compared with 2009-10 by just under 10%.

Budgets

The budgets allocated to the Group, South Yorkshire and West Yorkshire over the past three years are as follows. The Yorkshire and Humberside Group was only formed in 2010 and therefore did not have a Group budget prior to this date.

The prosecution costs budget for CPS South Yorkshire reduced by 16.2% in 2010-11 compared with 2009-10, while the CPS West Yorkshire budget increased by 12.7%. This reflects the activity based costing calculation which is determined predominantly by changes in caseload numbers and mix.

Both Areas had reduced administrative budgets in 2010-11. CPS South Yorkshire's reduced by 5.6% and CPS West Yorkshire's by 1.7%.

Budget allocation			
	2008-09	2009-10	2010-11
Group			
Prosecution costs	-	-	£11,950,682
Administrative costs	-	-	£28,677,646
West Yorkshire			
Prosecution costs	£5,621,674	£5,749,327	£6,583,749
Administrative costs	£13,091,973	£13,186,725	£12,960,863
South Yorkshire			
Prosecution costs	£3,297,100	£3,406,396	£2,854,772
Administrative costs	£7,976,922	£8,178,096	£7,717,998

C Casework performance data

Caseload and outcomes - national, CPS West Yorkshire and CPS South Yorkshire 2010-11

	National	West Yorkshire	South Yorkshire
	Percentage of total caseload		
Magistrates' courts			
<i>Types of case</i>			
Pre-charge decision	32.8%	35.0%	30.3%
Summary	36.8%	35.3%	37.7%
Either way and indictable	30.2%	29.6%	31.9%
Other proceedings	0.2%	0.03%	0.02%
<i>Completed cases</i>			
Discontinuances and bindovers	9.6%	15.5%	9.1%
Warrants	1.2%	1.5%	0.6%
Dismissed no case to answer	0.2%	0.1%	0.1%
Acquittals after trial	2.3%	1.9%	1.9%
Discharged	0.2%	0.3%	0.1%
<i>Total unsuccessful outcomes</i>	13.5%	19.3%	11.7%
Convictions	86.5%	80.7%	88.3%
<i>Case outcomes</i>			
Guilty pleas	76.1%	76.9%	79.6%
Proofs in absence	16.6%	17.2%	13.4%
Convictions after trial	4.5%	3.5%	4.7%
Acquittals after trial	2.6%	2.2%	2.1%
Acquittals: no case to answer	0.2%	0.2%	0.1%
Number of cases			
Total caseload	840,968	38,300	19,976
Committed for trial In the Crown Court	112,179	5,655	2,767
Percentage of total caseload			
Crown Court			
<i>Types of case</i>			
Indictable only	27.9%	27.6%	27.5%
Either way: defence election	6.9%	5.2%	6.2%
Either way: magistrates' direction	42.4%	48.1%	42.0%
Summary: appeals; committals for sentence	22.9%	19.1%	24.3%
<i>Completed cases</i>			
Judge ordered acquittals and bindovers	12.8%	11.6%	10.6%
Warrants	0.9%	0.7%	0.4%
Judge directed acquittals	0.9%	0.9%	0.8%
Acquittals after trial	5.8%	3.2%	3.3%
<i>Total unsuccessful outcomes</i>	20.4%	16.5%	15.2%
Convictions	79.6%	83.5%	84.8%
<i>Case outcomes</i>			
Guilty pleas	83.9%	89.9%	91.5%
Convictions after trial	8.2%	5.3%	3.9%
Acquittals after trial	6.8%	3.7%	3.7%
Judge directed acquittals	1.1%	1.1%	0.9%
Number of cases			
Total caseload	116,310	6,139	2,967

D File examination – case type and results

File sample

A total of 136 finalised cases were examined, 63 from CPS South Yorkshire and 73 from CPS West Yorkshire. The sample contained a range of outcomes and case categories. Successful

outcomes made up 42.6% of the overall sample, 47.1% of the files examined were sensitive or complex, and 5.9% (eight cases) were charged by the police. The cases were finalised between October and December 2010.

Outcome	West Yorkshire		South Yorkshire		Total
	Mags	Crown	Mags	Crown	
Discontinuance (including judge ordered acquittals)	12	9	7	7	35
No case to answer	2	-	4	-	6
Judge directed acquittal	-	4	-	6	10
Discharged committal	5	-	0	-	5
Acquitted after trial	3	7	2	10	22
Convicted after trial	8	8	9	6	31
Guilty plea	3	12	1	11	27
Total	33	40	23	40	136

Case category	All cases	West Yorkshire	
		West Yorkshire	South Yorkshire
Homicide	3	2	1
Other serious assault	5	2	3
Fatal road traffic incident	6	3	3
Child abuse	4	2	2
Rape	12	7	5
Sexual assault (other than rape)	1	0	1
Other violence against women	24	12	12
Racially/religiously aggravated and other hate crime	9	7	2
Non-sensitive	72	38	34
Total	136	73	63

Group charging delivery

Charging delivery method	All cases	West Yorkshire	South Yorkshire
Police charge	8	5	3
Group Daytime Direct	50	28	22
Area face to face or written advice	24	14	10
CPS Direct	54	26	28
Total	136	73	63

File examination findings	All cases	West Yorkshire	South Yorkshire
The decision was correctly made on the threshold test	63.6%	85.7%	53.3%
The Areas' full Code test charging decisions (or initial review in cases where police charged) were compliant with the Code	84.8% (67 out of 79)	86.7% (39 out of 45)	82.4% (28 out of 34)
CPS Direct's full Code test charging decisions were compliant with the Code	94.9% (37 out of 39)	95.2% (20 out of 21)	94.4% (17 out of 18)
The most appropriate charges were advised	92.3%	90.5%	94.4%
The action plan met the required standard	60.9%	56.3%	65.9%
Ancillary orders and applications (other than special measures) were properly considered	60.0%	61.0%	58.9%
The advice set out proper instructions to the prosecutor at court	69.8%	74.6%	64.4%

Quality of MG3s	Excellent	Good	Fair	Poor
All cases	0.8%	35.9%	36.7%	26.6%
West Yorkshire	1.5%	30.9%	44.1%	23.5%
South Yorkshire	–	41.7%	28.3%	30.0%

More recent charging decisions

A sample of 20 out of court disposals (cautions, conditional cautions, youth diversions and decisions not to charge) was reviewed. In all these cases, the charging advice had been given

by Group Daytime Direct lawyers in January or February 2011. We also examined 14 cases during observations in a Daytime Direct centre in March 2011.

Additional file examination findings	20 out of court disposals	14 charging observation cases
The decision was correctly made on the threshold test	–	–
The charging decision was compliant with the Code	95.0% (19 out of 20)	100% (11 out of 11)
The most appropriate charge or OOCDC was advised	85.0% (17 out of 20)	87.5% (7 out of 8)
The action plan met the required standard	–	100% (3 out of 3)
Victims' needs/special measures were properly considered	66.7% (6 out of 9)	25.0% (1 out of 4)
Ancillary orders and applications (other than special measures) were properly considered	–	85.7% (6 out of 7)
The advice set out proper instructions to the prosecutor at court	–	87.5% (7 out of 8)

Quality of MG3s	Excellent	Good	Fair	Poor
Out of court disposals (20 cases)	5.0%	45.0%	35.0%	15.0%
Charging observations (14 cases)	–	71.4%	21.4%	7.1%

Area decision-making

File examination findings	All cases	West Yorkshire	South Yorkshire
Any post-charge review was compliant with the Code	88.6%	91.5%	85.2%
A full file review was recorded	75.9%	66.2%	87.1%
An ad hoc review was recorded where necessary	32.6%	30.0%	37.5%
All reviews met the required standard	48.7%	39.0%	58.6%
A decision to discontinue was compliant with the Code	91.9%	91.3%	92.9%
There had been a material change in circumstances in unsuccessful outcomes since charging	51.1%	46.2%	57.1%

Area case progression

File examination findings	All cases	West Yorkshire	South Yorkshire
There was timely compliance with directions in magistrates' courts cases	47.1%	70.0%	14.3%
There was timely compliance with pre-PCMH directions in the Crown Court	62.7%	65.4%	60.6%
There was timely compliance with directions given in the Crown Court at PCMH and up to trial	46.3%	51.5%	41.2%
Ineffective hearings (other than trials) which were avoidable by the prosecution	43.1%	53.5%	22.7%
Ineffective trials which were avoidable by the prosecution	25.8%	22.2%	30.8%
All appropriate actions were taken to save unsuccessful outcome cases	42.9%	41.7%	44.4%
Discontinuance was timely	50.0%	45.5%	57.1%
There was a clear audit of out of court activity	47.3%	54.3%	39.3%
Lack of case ownership had impacted adversely	43.8%	36.4%	60.0%
A custody time limit was calculated correctly	88.9%	81.3%	93.1%
There was compliance with initial disclosure duties	42.4%	50.0%	34.5%

File examination findings			
	All cases	West Yorkshire	South Yorkshire
Initial disclosure was timely	77.8%	91.7%	63.2%
Non-compliance was a failure to disclose undermining or assisting material	7.4%	6.7%	7.9%
There was compliance with continuing disclosure duties	70.0%	63.3%	76.7%
Continuing disclosure was timely	75.9%	72.0%	79.3%
Non-compliance was a failure to disclose undermining or assisting material	16.7%	9.1%	28.6%
Sensitive material dealt with properly	59.3%	55.1%	64.9%

Case progression				
	Excellent	Good	Fair	Poor
All cases	0.8%	26.2%	53.8%	19.2%
West Yorkshire	–	28.4%	55.2%	16.4%
South Yorkshire	1.6%	23.8%	52.4%	22.2%

Use of CMS				
	Excellent	Good	Fair	Poor
All cases	–	52.6%	37.8%	9.6%
West Yorkshire	–	60.3%	27.4%	12.3%
South Yorkshire	–	43.5%	50.0%	6.5%

Area delivery at court

File examination findings			
	All cases	West Yorkshire	South Yorkshire
Advocates progressed the case at court	82.7%	83.1%	82.3%

Observations of advocates at court									
	Level	Number of CPS prosecutors in the magistrates' courts		Number of CPS prosecutors in the Crown Court		Number of counsel in the magistrates' courts		Number of counsel in the Crown Court	
		West Yorkshire	South Yorkshire	West Yorkshire	South Yorkshire	West Yorkshire	South Yorkshire	West Yorkshire	South Yorkshire
Assessed as above normal requirements	1	-	-	-	-	-	-	-	-
	2	-	-	1	-	-	-	-	-
Meeting CPS National Standards of Advocacy	3+	2	1	2	-	-	-	1	-
	3	4	2	10	1	1	-	4	-
	3-	3	2	4	1	-	-	-	-
Assessed as less than competent	4	-	-	-	-	-	-	1	-
	5	1	-	-	-	-	-	-	-

Assessment: 1 = Outstanding; 2 = Very good, above average in many respects

3+ = Above average in many respects; 3 = Competent in all respects; 3- = Below average in some respects, lacking in presence or lacklustre

4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

Instructions to advocates				
	Excellent	Good	Fair	Poor
All cases	2.6%	31.2%	58.4%	7.8%
West Yorkshire	5.3%	26.3%	55.3%	13.2%
South Yorkshire	-	35.9%	61.5%	2.6%

Court endorsements				
	Excellent	Good	Fair	Poor
All cases	0.7%	39.3%	45.2%	14.8%
West Yorkshire	-	45.8%	40.3%	13.9%
South Yorkshire	1.6%	31.7%	50.8%	15.9%

Area outcomes for users

File examination findings	All cases	West Yorkshire	South Yorkshire
The charging advice adequately covered special measures and other victim/witness issues	59.6%	55.4%	65.1%
The right type of special measure was sought	84.6%	78.9%	90.0%
The application for special measures was timely	51.4%	64.7%	38.9%
Bail or custody were sought appropriately to protect the victim and public	91.9%	93.0%	90.7%
There was a victim personal statement (victim impact statement) in appropriate cases	52.4%	47.6%	57.5%
Racial or religious motivation was put before the court	66.7%	50.0%	100%
Appropriate orders were sought at sentencing to address the needs of the victim	75.8%	76.2%	75.0%
There was compliance with the Direct Communication with Victims initiative where required	86.5%	82.6%	92.9%

Quality of Direct Communication with Victims communications	Excellent	Good	Fair	Poor
All cases	–	62.5%	28.1%	9.4%
West Yorkshire	–	52.6%	36.8%	10.5%
South Yorkshire	–	76.9%	15.4%	7.7%

Victim and police consultation			
	Yes	No	Not asked or views/consultation not recorded
Victim's view considered before discontinuance			
All cases	44.4%	33.3%	22.2%
West Yorkshire	37.5%	31.3%	31.3%
South Yorkshire	54.5%	36.4%	9.1%
Victim consulted on plea/basis			
All cases	41.7%	41.7%	16.7%
West Yorkshire	33.3%	33.3%	33.3%
South Yorkshire	50.0%	50.0%	0.0%
Police consulted on discontinuance			
All cases	62.2%	27.0%	10.8%
West Yorkshire	65.2%	30.4%	4.3%
South Yorkshire	57.1%	21.4%	21.4%

Sensitive case handling in file examination			
	All cases	West Yorkshire	South Yorkshire
Cases were correctly flagged on CMS	89.4%	91.1%	86.8%
The requirements at charging for dealing with sensitive and complex cases were met	73.1%	78.6%	66.7%
Enhanced evidence was considered at charging in cases of violence against women	56.0%	37.5%	64.7%
There was a record of the prosecutor's assessment of child video evidence in relevant cases	100%	100%	100%
There was continuity of prosecutor in rape cases	92.3%	100%	83.3%

E Area and national outcomes 2009-10 and 2010-11

Magistrates' court and Crown Court case effectiveness						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Magistrates' courts cases						
Cracked	37.7%	46.8%	37.6%	39.1%	44.9%	40.7%
Effective	43.7%	32.6%	45.9%	43.4%	32.6%	43.8%
Ineffective	18.6%	20.6%	16.5%	17.5%	22.6%	15.5%
Vacated	21.9%	19.9%	26.3%	22.7%	22.2%	27.7%
Crown Court cases						
Cracked	42.2%	55.7%	68.2%	42.1%	57.4%	61.8%
Effective	44.8%	31.8%	21.1%	44.4%	30.3%	24.2%
Ineffective	13.0%	12.5%	10.7%	13.5%	12.3%	14.0%

Magistrates' court and Crown Court outcomes of cases with a pre-charge decision						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Magistrates' courts cases						
Total attrition	21.0%	26.1%	17.2%	21.8%	26.5%	16.5%
Discontinued	14.5%	19.7%	11.8%	16.0%	20.4%	12.6%
Guilty pleas	72.3%	69.6%	76.5%	71.6%	68.5%	77.3%
Total convictions	79.0%	73.9%	82.9%	78.2%	73.5%	83.5%
Crown Court cases						
Total attrition	19.5%	16.4%	11.5%	20.5%	16.9%	15.3%
Discontinued	11.7%	11.0%	7.7%	12.7%	11.9%	11.0%
Guilty pleas	73.1%	78.8%	83.5%	72.3%	78.4%	81.1%
Total convictions	80.5%	83.6%	88.5%	79.5%	83.1%	84.7%

Magistrates' courts cases – discontinuance timeliness (all defendants)						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Cases that were discontinued after third or subsequent hearings	47.0%	55.6%	47.4%	44.3%	44.3%	44.9%

Hate crime unsuccessful outcome rates						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Racially and religiously aggravated	17.6%	18.5%	12.9%	16.9%	18.9%	13.7%
Homophobic/transphobic	19.4%	21.1%	10.0%	19.3%	26.4%	21.1%
Disability	24.3%	26.7%	8.3%	20.3%	28.6%	20.0%
All hate crime	18.1%	18.9%	12.5%	17.2%	19.8%	14.5%

Violence against women unsuccessful outcome rates						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Domestic violence	28.0%	32.5%	22.6%	28.1%	32.1%	23.1%
Rape	40.6%	41.3%	31.9%	41.4%	38.1%	39.4%
Sexual offences excluding rape	24.0%	23.9%	21.2%	25.7%	24.5%	22.4%
All violence against women	28.2%	32.3%	22.8%	28.5%	31.8%	23.8%

Victim and witness data						
	2009-10			2010-11		
	National	West Yorkshire	South Yorkshire	National	West Yorkshire	South Yorkshire
Witness attendance rates	87.3%	84.0%	91.3%	87.7%	88.7%	91.8%
Witnesses waiting longer than 1 hour (magistrates' court)	48.8%	44.0%	40.1%	49.1%	48.1%	36.8%
Witnesses waiting longer than 2 hours (Crown Court)	41.0%	37.7%	44.9%	41.2%	32.7%	39.0%
Detailed needs analysis not taken	24.0%	35.0%	24.0%	20.3%	25.6%	21.1%

F Local representatives of criminal justice agencies and organisations who assisted the inspection

Crown Court

HHJ Stewart QC
HHJ Benson
HHJ Goldsack QC, Recorder of Sheffield

Magistrates' courts

District Judge Anderson
District Judge Browne
District Judge Mallon

Her Majesty's Courts and Tribunals Service

Mr P Bradley, Area Director
(South Yorkshire and Humberside)
Mr D Foulkes, Area Director
(West Yorkshire and North Yorkshire)
Mrs V Watson, Bradford Crown Court, Manager
Mrs C Middleton, Bradford Crown Court,
Case Progression Officer
Ms J Harrison, Bradford Crown Court,
Pre-trial Section Manager
Ms L Yates, Doncaster Crown Court, Manager
Ms M Ellis, Doncaster Crown Court, Manager
Ms C McKee, Leeds Crown Court, Manager
Mr J Butcher, Sheffield Crown Court, Manager

Police

Chief Supt C Harden, West Yorkshire Police
Chief Supt M Maguire, South Yorkshire Police
Chief Supt S Willsher, West Yorkshire Police
Ms A-M Dempsey,
South Yorkshire Criminal Justice Unit
Inspector A Taylor,
West Yorkshire Witness Care Unit
Ms J Thackray, West Yorkshire Witness Care Unit

Defence solicitors

Ms L Green, Howells, Sheffield
Mr M Willis, Grace Willis & Bennett, Sheffield
Defence practitioners (S)

Counsel

Local counsel (S)

Others

Local community group representatives (S)
Victim Support managers (S)
Witness Service managers (S)
Youth Offending Teams (S)

Representatives marked (S) completed HMCPSP's survey, all others were interviewed.

G Glossary

Adverse case

A *NCTA*, *JOA*, *JDA* (see separate definitions) or one where magistrates decide there is insufficient evidence for an either way case to be committed to the Crown Court.

Agent

Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court.

Associate prosecutor

A CPS employee who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' court. This role has been extended and includes trials of non-imprisonable offences.

Case management system (CMS)

IT system for case tracking and case management used by the CPS.

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 (DPP's) power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – the *evidential stage* and the *public interest stage*. 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.

Complex Casework Unit (CCU)

A unit set up spanning a Group of CPS Areas which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

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 against standards.

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

Cracked trial

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

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.

Discontinuance

The dropping of a case by the CPS in the magistrates' court, whether by written notice (under section 23 Prosecution of Offences Act 1985), withdrawal, or offer of no evidence at court.

Evidential stage

The initial stage under *the Code* test – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?

Group Operations Centre (GOC)

A unit within the Group (combination of a number of CPS Areas) which is responsible for dealing with specific aspects of business on behalf of Areas, for example, performance management and monitoring, equality and diversity.

Indictable only, indictment

Cases 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 when it was scheduled to start, for a variety of possible reasons, and 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.

Local Criminal Justice Board

The chief officers of police, probation, the courts, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board.

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 officer

A member of CPS staff who deals with, or manages, day to day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Proceeds of Crime Act 2002 (POCA)

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

Public interest stage

The second stage under *the Code* test - is it in the public interest to prosecute this defendant on this charge?

Review, initial, continuing, summary trial etc

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in *the Code*. 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.

Summary offences

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

Threshold test

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

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).

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HM Crown Prosecution Service Inspectorate

London Office:

One Kemble Street

London WC2B 4TS

Tel. 020 7210 1197

Fax. 020 7210 1186

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

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