



**THE INSPECTORATE'S REPORT
ON
CPS AVON AND SOMERSET**

REPORT 1/05

JANUARY 2005

Promoting Improvement in Criminal Justice

CPS AVON & SOMERSET



AREA OFFICE

Bristol

OTHER OFFICES

Taunton

MAGISTRATES' COURTS

Bath, Bridgwater, Bristol, Flax Bourton, Frome, Minehead
North Avon, Taunton Deane, Wells, Weston-super-Mare, Yeovil

CROWN COURT

Bristol, Taunton

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PREFACE

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

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

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

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

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

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

HMCPSI has offices in London and York. The London office houses the Southern Group and part of the Northern and Wales Group. The remainder of the Northern and Wales Group are based at the office in York. Both Groups undertake thematic reviews and joint inspections with other criminal justice Inspectorates. At any given time, HMCPSI is likely to be conducting six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

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

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

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 33 inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Avon and Somerset, which serves the area covered by the Avon and Somerset Constabulary. It has an office at Bristol, where the Area Headquarters (Secretariat) is based, and another at Taunton.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts and are based in police premises at Bristol and Taunton. The Bristol Crown Court Trial Unit (TU) reviews and handles cases dealt with in the Crown Court based in Bristol and the Taunton TU deals with Crown Court matters in Somerset.
- 1.3 The Chief Crown Prosecutor's Advisory Group (CCPAG) comprises the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM), together with the three level E Unit Heads.
- 1.4 At the time of the inspection in September 2004, the Area employed the equivalent of 166.3 full-time staff. The Area Secretariat comprises the CCP, ABM and the full-time equivalent of nine other staff. The Case Information Unit (CIU) consists of the equivalent of 3.8 full-time staff. There are also two level E Special Casework Lawyers. Details of staffing of the units is set out below:

Grade	Avon		Somerset	
	TU	CJU	TU	CJU
Level E	2	1	2	0
Level D	2	3.4	1	1
Level C lawyers	14.6	35.8	5	10
Level B2 caseworkers	3	3	1	2.8
Level B1 caseworkers	20.4	3.2	7	1
Level A caseworkers	10	11	6.1	5
TOTAL	52	57.4	22.1	19.8

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

- 1.5 Details of the Area's caseload in the year to 30 June 2004 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	7,429	17.9	15.7
Summary	24,608	59.6	51.8
Either way and indictable only	9,115	22.1	31.4
Other proceedings	167	0.4	1.1
TOTAL	41,319	100%	100%

1.6 The Area's Crown Court finalised cases in the year to 30 June 2004 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	923	25.2	31
Either way offences	1,596	43.5	43.6
Appeals against conviction or sentence and committals for sentence	1,148	31.3	25.4
TOTAL	3,667	100%	100%

1.7 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Avon and Somerset has benefited from an increase in its budget since our last inspection in order to drive up performance. The Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker, although the fluctuation of case finalisation data, discussed later in Chapters 4, 7 and 9, may make this assessment unreliable.

The report, methodology and nature of the inspection

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

1.9 There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate one considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Avon and Somerset also drew on findings from the previous inspection of the Area, a report of which was published in October 2002. As a result of this risk assessment, it was determined that the inspection should be a full one.

1.11 Our previous report made a total of 28 recommendations and seven suggestions. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

1.12 Our methodology combined examination of 187 cases finalised between April - June 2004 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown

of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.

- 1.13 Inspectors visited the Area between 31 August - 13 September 2004. The lay inspector for this inspection was Roy Ham, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. He examined files that had been the subject of complaints from members of the public and also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.14 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

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

Overview

- 2.2 Since the last inspection, CPS Avon and Somerset has generally improved its casework management, which is demonstrated by the fact that it has fully or partially achieved the majority of the recommendations made in the last inspectorate report. This has been done in a context of change, principally the introduction of first shadow, and then statutory, charging - the latter commencing in July 2004, shortly before this inspection.
- 2.3 The Area has also succeeded in building on its strengths. These lie in its strong commitment to the Local Criminal Justice Board (LCJB) and working co-operatively and dynamically with the other criminal justice agencies to improve casework and the operation of the criminal justice system (CJS). It also demonstrates firm commitment to, and interest in, engagement with the community.
- 2.4 However, more remains to be done in certain key measures of casework, outlined below, and some aspects of management of performance, deployment and staffing strategy, financial controls and leadership and governance.
- 2.5 Importantly, senior management needs to achieve the same success within the Area that has been established with external partners, by working with staff to secure their confidence and ensure open and effective communication and decision-making processes.

Key performance results

- 2.6 The key performance figures show the Area to be above the national average in less than half the key measures, albeit in some instances the variances are small. Significant measures where the Area is performing below the national average include discontinuance and adverse outcomes in the Crown Court, where improvements must be made. Most problems stem from lack of pro-active enquiry at review. By contrast, the Area has performed well in other measures compared to the national average, notably in cracked trials in the Crown Court that could have been avoided by CPS action (although this needs to be seen in light of a relatively small sample of 11 cases), timely review in summary trial cases, and the handling of disclosure. It has also, with other criminal justice agencies, done well in reducing the period from arrest to sentence for persistent young offenders (PYOs), and in reducing the rate of ineffective trials in the magistrates' courts.

Casework

- 2.7 The Area has put a lot of energy into establishing the statutory charging scheme and senior management has had to make some difficult decisions about managing the process along the way. The scheme has received a positive reception from the police, although work remains to be done to ensure the consistency and quality of advice, together with the correct level of charging.
- 2.8 Discontinuance remains a cause for concern. A firmer grip needs to be taken at key stages e.g. requesting further evidence/information at first review. We saw instances where a more robust approach could have been taken to pursuing prosecution of a case before the decision was taken to discontinue, particularly in cases of retraction or non-availability of the complainant. However, we also saw instances where cases were allowed to drift and decisions to discontinue could, and should, have been made earlier, and where failure to do so led to protracted court appearances.
- 2.9 Summary trial preparation was generally timely and appropriate, but there should be more consistent use of pre-trial checks.
- 2.10 There is greater scope for the involvement of caseworkers in the preparation of committals and a continuing need to improve the overall standard of instructions to counsel. A higher proportion of indictments than the national average were seen to be amended. More needs to be done, in conjunction with the Crown Court, to progress cases effectively, including the impact of plea and directions hearings (PDHs) and timely compliance with orders made.
- 2.11 Disclosure of unused material in both the magistrates' and Crown Court is generally well handled. Training on the revised Joint Operational Instructions (JOPI) needs to be consolidated by police implementation of the provisions, and work remains to be done to secure third party material at an early stage in relevant cases.
- 2.12 We found an overall sound approach to the handling of sensitive cases, with an improvement in the handling of child abuse cases since the last inspection. We saw instances of domestic violence and racially aggravated offence cases lacking firm grip and direction, but street crime cases showed sound handling with pro-active and timely action being taken.
- 2.13 There has been little training, and awareness is very low, regarding asset recovery under the Proceeds of Crime Act 2002 (POCA). A dedicated resource has now been made available to remedy this and to work with other agencies to ensure that the Act is implemented in appropriate cases.
- 2.14 On the other hand, the Area has moved forward with Anti-Social Behaviour Orders (ASBOs). An Area specialist is undertaking work both internally and with other agencies to promulgate the law and establish procedures to put it into effect. The main issue currently is the satisfactory and consistent identification of cases suitable for the imposition of such orders.
- 2.15 Monitoring and application of custody time limit (CTL) regulations is a cause for concern. Despite training initiatives and various systems in place designed to assure adherence, inspectors established the existence of six failures. It is necessary for the Area to revisit and tighten their CTL systems and for managers to identify appropriate training and guidance for all staff.

- 2.16 Generally, the administrative side of file and message handling is an aspect for improvement to ensure consistent and documented procedures and efficient telephone responses.
- 2.17 The Area has worked co-operatively with the magistrates' courts on monitoring and analysing the causes of cracked and ineffective trials, in agreeing a revised listing procedure and in appointing a Case Progression Officer to help reduce these figures. Unified work has also gone on to successfully reduce the PYO figures, which for March - May 2004 were 55 days from arrest to disposal. This collaborative form of working is one of the Area's strengths.
- 2.18 Inaccuracy of performance indicators (PIs) has persisted, with large fluctuations in areas such as summary motoring and warrants, together with backlogs of finalisations.
- 2.19 Work is still needed to secure a comprehensive system for learning from experience that goes across the TUs and CJUs. It is important for them to learn the same lessons and have a mutual understanding and approach as far as possible. As the charging scheme beds down, it will be very important to have effective means of feeding back and conferring over outcomes in resulting cases.

Advocacy and quality of service delivery

- 2.20 The standard of advocacy of in-house lawyers, designated caseworkers, agents and counsel is satisfactory. Where performances were slightly lacking, this was mainly due to inexperience. Monitoring of in-house prosecutors has taken place, although not of agents; monitoring for counsel is planned.
- 2.21 Levels of preparation are generally satisfactory and endorsements have improved since the last inspection.

Victims and witnesses

- 2.22 Significant improvement has also been reported in witness care, although there still needs to be improvement in the timely provision of appropriate information to the Witness Service, to assist it in its care of witnesses.
- 2.23 Witness concerns also remain regarding the amount of warning time given to attend court at Crown Court centres, waiting time at court, the desirability of seeing their statements earlier, and more information on the progress of the case.
- 2.24 Issues remain regarding the systematic identification, timeliness and quality of letters issued under the Direct Communication with Victims (DCV) scheme.

Performance management

- 2.25 Some good work has been undertaken in respect of the Casework Quality Assurance scheme (CQA), adverse cases and cracked and ineffective trials. There is a need to improve collation, analysis and dissemination of other performance information, and to have a framework for systematic identification and implementation of improvements in both casework and administrative processes.

People management and results

- 2.26 The Area has a strong focus on equality and diversity issues and has demonstrated commitment to family-friendly policies.
- 2.27 The main challenges for it relate to finding the optimum staffing levels for each unit, and in some aspects of communication. Some managers are new to their roles, which has had an impact in finalising Personal Development Plans (PDPs) and Forward Job Plans (FJPs) with a knock-on effect in identifying training needs.

Management of financial resources

- 2.28 Budget reconciliation systems are now strong, however the Area is projecting an overspend of approximately £300,000 (6%) of its budget. There is significant misuse of prosecution costs in paying agents in the magistrates' courts and the systems for payment of counsels' fees in the Crown Court have not been effective, resulting in large backlogs.

Partnerships and resources

- 2.29 CPS Avon and Somerset works hard and enthusiastically at its external relationships and partnerships, and this is its major strength. The CPS is seen as being a strong and committed partner in the LCJB, wanting to move things forward and engage in joint working.
- 2.30 Good relations also exist between the CPS and the magistracy and clerks and there are sound professional working relations with defence solicitors. We consider it would now be desirable to improve liaison with the judiciary and local chambers.
- 2.31 Co-location under Glidewell has not achieved all the potential benefits; whilst there has been a very large saving in written communication and enhanced relations through face-to-face discussion over decision-making, administrative processes have not been integrated to maximum advantage. Moves are now planned to devolve the file building process to police districts and care will be needed to safeguard and develop the improvements achieved.
- 2.32 Other collaboration includes planning for the implementation of witness information units, Effective Trial Management (ETMP) and - through the LCJB - the joint appointment in February this year of a Case Progression Officer in Somerset to help reduce ineffective trials. This is a pilot scheme, the uniqueness of which arises from the fact of one individual working across the agencies, who checks trial readiness with both parties two weeks before trial and can agree adjournments, vacate fixtures, grant witness summonses or refix hearings. Whilst yet to be evaluated, the concept seems commendable.
- 2.33 Work is still needed with the other agencies to improve the quality of police files and case progression in the Crown Court.

- 2.34 Use of the new case management system (CMS) started off slowly, with low uptake from CJU lawyers in particular. The Area appointed a dedicated manager to provide support on IT issues, and this has helped improve the situation, although more take-up is still needed.

Policy and strategy

- 2.35 The Area takes account of the needs of external stakeholders in its decision-making. The situation with staff internally is less positive; with a significant number believing that there is a lack of consultation and effective communication over key decisions.

Public confidence

- 2.36 Work remains to assure the timeliness and quality of complaint handling and correspondence. Statistics held by the LCJB Co-ordinator indicate an increase in public confidence generally.

Leadership and governance

- 2.37 There is scope for improving the governance of the Area. It would benefit from drawing up Terms of Reference governing the work of the management groups, with clear definition of responsibilities and inter-relationships.
- 2.38 Some managers have been in their current posts for less than six months and are still adapting to their roles. Level D unit managers should be given more responsibility in pro-active management of their units and contribute more to policy and strategy.
- 2.39 Motivation and morale were not high in some units, reinforcing some concerns expressed in the latest Staff Survey; recent changes to introduce statutory charging had contributed to this.

Bringing offenders to justice

- 2.41 The national average increase over the baseline for offenders brought to justice is 9.7%. The Avon and Somerset criminal justice area has successfully achieved a percentage increase well over this, at 11.9%. However, revised targets and counting systems will affect this in the future, as will the significant drop in charge/summonses since April 2004.

Reducing ineffective trials

- 2.42 Whilst the rate of ineffective trials in the Crown Court, at 19.2%, has been above the national average, it is improving. In the magistrates' courts there has been a significant and consistent reduction - the latest figure is 17.1%.

Value for money

- 2.42 The long-term inaccuracy of PI data renders assessment of value for money difficult. Figures indicate lower levels of case throughput than most other CPS Areas.

Equality and diversity issues

- 2.43 There is generally a positive approach to equality and diversity issues in Avon and Somerset. This is reflected in both the commitment to community engagement and the efforts to ensure that the workforce is diverse and representative of the local population.

Recommendations

- 2.44 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.45 We have made eight recommendations to help improve the Area's performance:
1. Unit Heads ensure that appropriate decisions are made at each stage of handling prospective discontinuance cases (paragraph 4.19).
 2. Unit Heads ensure timely and pro-active initial and continuing review in all cases and consistent use of processes in case management (paragraph 4.35).
 3. The Area reviews its current custody time limit systems to rectify weaknesses and, where necessary, provide training and guidance to staff (paragraph 4.68).
 4. The CCP and ABM develop a formal staffing strategy that identifies the resources required for each unit, taking account of the agreed responsibilities and levels of court deployment of each team (paragraph 8.7).
 5. The CCP and ABM ensure that only appropriate transactions are allocated to prosecution costs codes 3010 and 3020 (paragraph 9.4).
 6. The CCP and ABM ensure that robust systems are implemented to manage counsels' fees (paragraph 9.10).
 7. The CCP ensures transparency and appropriate consultation across staff in strategic decision-making (paragraph 11.3).
 8. The CCP should:
 - * design a framework for systematic identification and implementation of improvements in both casework and administrative processes;
 - * draw up Terms of Reference governing the work of the management groups, with clear definition of responsibilities and inter-relationships;
 - * enhance and increase the engagement and responsibilities of the level D managers in management (paragraph 13.10).

Good practice

2.46 We have identified two aspects of good practice that might warrant adoption nationally:

1. In Taunton, police attend weekly case discussion meetings with lawyers and caseworkers in the TU team, to look at ongoing casework (paragraph 10.9).
2. The Area has appointed a number of spokespeople to take the lead with the media on thematic issues in which they specialise, thus involving a wider spectrum of staff in media engagement (paragraph 12.8).

3 KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	95.5%	-	100%
Decisions complying with public interest test in the Code ¹	-	96.6%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.7%	-	97.8%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	98.9%
Requests for additional evidence/information made appropriately at first review ¹	-	77.2%	-	51.2%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	13.4%	-	12.5%
Discontinued cases with timely discontinuances ¹	-	76.5%	-	69%
Decisions to discontinue complying with the evidential test ¹	-	93.3%	-	76.2%
Decisions to discontinue complying with the public interest test ¹	-	92.4%	-	77.8%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	87.8%	-	79.3%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	74.4%	-	75%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.5%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr – June 04) 36.9	-	(Apr – June 04) 32.5%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	19%	-	25%
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr - June 04) 26.6%	-	(Apr – Jun 04) 17.1%
Ineffective trials in the file sample that could have been avoided by CPS action	-	29	-	75% (3 out of 4)
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	2%	-	2.1%
Decisions to proceed to trial complying with the evidential test ¹	-	96.6%	-	92.3%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.6%	-	100%
Cases with timely summary trial review ¹	-	76.7%	-	100%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	71.5%	-	63.6%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	39.8%	-	74% (3 out of 4)

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	81.3%	-	80%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.5%	-	92.1%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	82%	-	76.8%
Timely and correct continuing review after committal	-	83%	-	81.5%
Cases with timely service of committal papers on defence	80%	78.3% 81% ³	-	80% ¹ 68.7% ²
Cases with timely delivery of instructions to counsel	84%	85.2% 85.3% ³	-	100% ¹ 85% ²
Instructions to counsel that were satisfactory ¹	-	63.6%	-	41.5%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr - Jul 04) 38.6%	-	(Apr - Jul 04) 36%
Cracked trials that could have been avoided by CPS action ¹	-	17.9%	-	11.1%
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr - Jul 04) 17.2%	-	(Apr - Jul 04) 19.2%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	9.6%	-	Nil
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		78.4%		83.3%
Indictments that required amendment ¹		26.1%		35%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		96%		88.5%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.4%	-	42.1%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10%	-	10.1%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+9.7% (as at Nov 03)		+11.9% (as at Mar 04)

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

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 June 2004

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		69.6%		85.7%
Cases where secondary disclosure properly handled ¹		55.2%		N/A
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		96.3%		94.7%
Trials where appropriate use made of the witness care measures ¹		82.3%		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		80.1%		85%
Cases where secondary disclosure properly handled ¹		59%		85.7%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		81.5%		100%
Trials where appropriate use made of the witness care measures ¹		93.5%		81.8%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	91.4%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	2003-04 98.8%	100%	98.9%
Handling of complaints				
Complaints replied to within 10 days ²	94%	2003-04 85.7%	96%	77.5%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	2003-04 92.8%	N/A	100%
Improving productivity				
Reduce sick absence rate per member of staff	8.5 days (2004)	9.2 days		12.6 days (2003)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	64 days (Mar - May 04)	71 days	55 days (Mar - May 04)

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

² self-assessment by Area

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court up to 30 June 2004

Commentary

- 3.1 The key performance figures show the Area to be above the national average in less than half the key measures, albeit in some instances the variances are small. There are some significant measures where the Area is performing below the national average, including discontinuance. However, the Area has also performed well in others by comparison with the national average, notably in cracked trials in the Crown Court that could have been avoided by CPS action, timely review in summary trial cases, and undertaking the duty of disclosure to the defence.

Pre-charge advice to police

- 3.2 Our advice sample of 12 contained both pre-charge advice cases and formal files submitted for advice. In each case the decision about the prospect of conviction against each defendant complied with the evidential Code test. Four of the decisions were to proceed; six to be dropped and two requested further evidence. In the four advised to proceed, we also found that the public interest Code test was satisfied.

Quality of decision-making

- 3.3 At first review in the magistrates' courts trial sample, the decision to proceed complied with the Code tests on the evidence and in the public interest in all applicable cases. However, of the nine cases where it was appropriate to request further evidence or information at that review, this was done in just five cases. Similarly, in the Crown Court trial sample, of 18 cases where it was appropriate to request more at first review, this was done in just 12 (66%).
- 3.4 This indicates a need for a more pro-active and enquiring approach at the initial stages of a case, which will be particularly important in the context of the statutory charging scheme.

Continuing review

- 3.5 We disagreed with the decision to proceed at summary trial review in one case in our magistrates' courts sample. However, we also found that reviewers were more effective in pursuing enquiries at that stage; this was done in seven of nine cases where it was appropriate to do so. This was also true of review at committal stage - requests were made in 27 out of 32 appropriate cases (84%). There was evidence of continuing review after committal in 22 out of 27 cases where it was required (81.5%).
- 3.6 Looking at continuing review in the context of our broader sample, we found failures to take timely steps to improve the evidence that may have made a difference to the outcome. These resulted in no case to answer, judge ordered acquittal and discontinuance disposals, as well as a plea to a lesser offence and a jury acquittal.
- 3.7 We also observed a case at court of criminal damage where the owner's statement did not say that the property damaged was his and that the defendant did not have authority to damage it. No evidence was sought to fill the gap at any stage. The case was lost after a defence submission of no case to answer.
- 3.8 These findings indicate that there is room for improvement in continuing review.

Discontinuance

- 3.9 We examined 29 cases that were discontinued in the magistrates' courts. Of these, we found that the initial decision to proceed with the case did not comply with the evidential test in the Code in two cases, and that the sufficiency of evidence on the information available could not be determined in one case.
- 3.10 We also determined that it was appropriate to request further evidence/information at first review in 17 cases, but this was done in only five (29.5%). When it came to the discontinuance itself, we determined that the reviewer should have asked for more evidence in six of the 29 cases before doing so. We disagreed with the decision to discontinue on evidential grounds in five out of the 21 applicable cases (23.8%) and with the decision to discontinue on public interest grounds in two applicable cases.
- 3.11 Pre-trial reviews had been conducted in 36% of the applicable cases and, where discontinuance took place, it was timely in 69% of cases.
- 3.12 These findings indicate a need for a more robust and timely approach to the review and building of cases; we make a recommendation in this respect in Chapter 4.
- 3.13 Additionally, we were only able to find letters on file informing the victim of the outcome in 12 of the 23 applicable cases. This may be because of disparate practices on units as to where copies of these letters are kept, but a copy should be placed on file as it is part of the case history.

Discharged committals

- 3.14 The Area has very few committal cases discharged through not being ready.

Level of charge

- 3.15 Our file sample showed figures in line with the national average for charges that were amended in the magistrates' courts, and above it in the Crown Court. In addition, all magistrates' courts cases were found to proceed on the correct level of charge, albeit there were instances when we considered other types of charge would have been more appropriate to encompass the nature and circumstances of the offending.
- 3.16 We were concerned by one particular instance in the Crown Court where a robbery offence was charged as theft and offensive weapon which, when it came to trial, was dropped on the basis of pleas to other matters in the belief that nothing further would be added to the sentence for this case. Had this been correctly indicted as robbery, a consecutive sentence might well have followed.

Ineffective trials

- 3.17 There were eight ineffective cases in the specific file sample; four each of magistrates' courts and Crown Court cases. Of these, in three out of four of the magistrates' files, we found that action by the CPS could have avoided the trial being adjourned. This may go against the general Area trend of a reduction in ineffective trials. However, these three cases demonstrated lack of proper review and strong case management and, in one case, a change of charge on the day of trial that led to a defence election where the case was subsequently discontinued.

- 3.18 Whilst the criminal justice area's performance on ineffective trials – as recorded by CPS and Crown Court joint performance monitoring - is not as good as the national average, it is improving and in none of the four cases we saw could CPS action have avoided the adjournment.

Persistent young offenders

- 3.19 Since our last inspection, persistent young offenders are now dealt with much more swiftly, and the agencies have jointly achieved, and bettered, the Government's target of 71 days. Figures for March - May 2004 show an average of 55 days from arrest to disposal.
- 3.20 The consistent drop in figures shows that this has been done successfully, as discussed further in Chapter 4. However, there are some long running cases in the court system that will adversely affect this figure when they are completed, at least in the short-term.

Persistent offenders

- 3.21 The LCJB has a local programme for dealing with prolific offenders, referred to in its Delivery Plan, and the CCP is the LCJB lead on this topic.

Sensitive cases

- 3.22 Systems and processes are in place across the Area to capture relevant data for racial incident monitoring and logs are cross-checked against the CMS system at finalisation. Reports are circulated to managers as a case progression tool. Analysis of domestic violence data is undertaken by the Unit Head at Taunton, who has the lead on this topic, and he conducted a review of 50-60 cases to assure policy compliance.

Adverse outcomes

- 3.23 In three out of four no case to answer files considered in our sample, we found that the Area could have done more to avoid the outcome. In neither of the two cases where we considered it appropriate to request further evidence/information at summary trial review was this done and in none of the three applicable cases did the review endorsements refer to the relevant identifiable evidential weaknesses/missing information.
- 3.24 The recorded reasons for acquittal in two cases were conflict of evidence, and unreliable witness and identification respectively in the other two. In three out of four the adverse case report identified the reason for the outcome. The question that arises is what learning from experience flowed thereafter.
- 3.25 The combined figure of judge ordered acquittals (JOAs) and judge directed acquittals (JDAs) where the outcome was foreseeable and CPS could have done more to avoid the outcome, is significantly worse than the national average in the cycle of inspections so far - 42.1% compared to 23.4%.

- 3.26 We were critical of review endorsements identifying weaknesses in JDAs, and in two of the seven we found that the CPS could have done more. More starkly, we considered that the decision to proceed with four out of 29 JOAs at committal review did not comply with the Code tests; found that review endorsements referred to identifiable weakness in 12 out of 25 applicable cases; and that out of the 29 relevant cases, more could have been done in 14.
- 3.27 We make a recommendation in respect of case review and management in Chapter 4.

Narrowing the justice gap

- 3.28 The national average for offenders brought to justice is 9.7%. The Avon and Somerset criminal justice area has successfully achieved a percentage well over this, at 11.9%. However, revised targets and counting systems will affect this in the future, as will the significant drop in charge/summons since April 2004.

Disclosure

- 3.29 Our file sample indicated that the Area's undertaking of its duties regarding disclosure are significantly better than the national average overall. In 18 out of 21 applicable cases in the magistrates' courts trial file sample, and in 34 out of 40 Crown Court trial cases, we found disclosure dealt with properly. Schedules were endorsed showing consideration of individual items and marked accordingly, and requests were made for further information or to see certain items where their disclosability was unclear.
- 3.30 This standard was further maintained in handling secondary disclosure in the Crown Court, where 18 out of 21 applicable cases were dealt with appropriately. We saw active management of unused material, including minutes to police raising queries and pursuing information. However, disclosure record sheets as required by the revised Joint Operational Instructions (JOPI), were not consistently apparent and Unit Heads will want to remedy this.

4 CASEWORK

Pre-charge advice to police (CAP1)

- 4.1 CPS Avon and Somerset has put a lot of energy into the statutory charging scheme, which started on 5 July 2004. The Area operates a nine to five, five days per week service across the nine charging centres. At the time of the inspection, out of hours cover was provided by CPS Direct.
- 4.2 Senior management have had difficult decisions to make in resourcing this scheme. At the time of the inspection, those centres covered by the Taunton office were manned by level C2 lawyers from both the CJU and TU, whereas in Bristol the charging function was covered by C2 lawyers in the TU only. We discuss later in this report some of the operational and personnel aspects of this.
- 4.3 The scheme has received a positive response from the police, although there is slight reservation as to the necessity of some requests by prosecutors for further evidence, e.g. for medical evidence in offences of common assault bordering on assault occasioning bodily harm.
- 4.4 The evidence suggests a degree of inconsistency, both as to level of charge and when to charge, which needs to be considered by management. There is a perception by police that some decisions may be risk-averse, which received some endorsement in our findings. One advice case was cautious in requesting further identification evidence where there was a chain of identifying evidence in existence and the time that had elapsed would make further identification of doubtful value.
- 4.5 On the other hand, other agencies hold the perception that, in certain sensitive types of case such as those involving racial or sexual allegations, charging decisions are not robust enough in applying the evidential Code test. One case in our wider file sample concerned an advice to charge rape without first seeing a full file, which was subsequently discontinued after being sent, but before papers were served. A domestic violence trial was observed at court where the charging advice suggested that, despite the evidential weaknesses, the case should proceed. It failed on a defence submission, as the witness was unreliable.
- 4.6 The majority of cases in our advice file sample were ones dealt with under the shadow charging scheme and, as shown in Chapter 3, correct decisions were made under both Code tests. We found one where the advice was inadequate in scope as to the specific charges and further evidence needed to be obtained and another that, although sufficient, could have been more searching on peripheral matters.
- 4.7 Looking more broadly at cases in our sample, we saw two examples where evidential shortcomings were not recognised or addressed, resulting in one finding of no case to answer and the one discontinuance.
- 4.8 The Area has had to formulate a policy for circumstances where, despite earlier charging advice, later consideration of a case by a different lawyer suggests that there might not be a realistic prospect of conviction. It was decided that that unless the decision is clearly wrong, the Area will continue with the case as advised. The current strategy of having TU lawyers in Bristol covering charging centres does not make maintaining case ownership feasible in a large proportion of cases.

- 4.9 The impact of the statutory scheme has yet to be evaluated but, conscious of the need to achieve a high standard in these advices, the Area was monitoring all charge files under the Casework Quality Assurance scheme for two months at the time of inspection.

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

- 4.10 It is unusual for files not to be available for court, although some may arrive in the course of a session. The single file system does not easily facilitate short adjournments where action is required to be taken on a file, and to circumvent this in youth cases where short remands are common, a copy file is retained.
- 4.11 Defence solicitors occasionally seek time to consider advance information that has been served on the morning of the first appearance; in this context, timely attendance at court by the prosecutor will facilitate this and can avoid delay.
- 4.12 Five out of 26 of the magistrates' courts trial files in our sample did not sufficiently record evidential and public interest factors at review, with no reviews recorded at all in three cases. In half the applicable cases (five out of ten) relevant mode of trial guidelines/issues were not recorded. These are factors that can affect readiness to proceed.

Bail/custody applications (CAP3)

- 4.13 Feedback as to the amount of information given to the court in bail applications, and pro-activity in appealing bail decisions, was positive and our file examination and court observation did not highlight any issues of concern.

Discontinuances in magistrates' courts (CAP4)

- 4.14 The Area's handling of discontinued cases was a concern in the last report, leading to a recommendation aimed at the standard of decision-making in these cases.
- 4.15 Whilst it is clear that discontinued cases are considered within the CQA system, there is some inconsistency among unit leaders as to how it is operated; not all cases are seen together with the records sheet.
- 4.16 As reflected in Chapter 3, our findings in this inspection show a continued cause for concern. The rise in the discontinuance figure in itself may not be indicative (as bind overs are now being included in the figures) and consultation with the police has improved. Nevertheless a firmer grip needs to be taken at key stages i.e. requesting further evidence/information at first review. We saw instances where a more robust approach could have been taken in pursuing prosecution of a case before the decision was taken to discontinue, particularly in cases of retraction or non-availability of the complainant.
- 4.17 However, we also saw instances where cases were allowed to drift and decisions to discontinue could, and should, have been made earlier, and failure to do so had led to protracted court appearances.

- 4.18 Care also needs to be taken in identifying the correct grounds for discontinuing a case. It was noted, both from the file sample and Direct Communication with Victims (DCV) letters on-site, that there was often a lack of intellectual rigour in analysing and articulating the basis of the decision.
- 4.19 Whilst the charging scheme will be anticipated as having a positive impact on the discontinuance rate, given the range of negative issues seen in the handling of discontinuance, managers need to satisfy themselves that a timely and pro-active approach is taken and that discontinuance is occurring in appropriate cases.

RECOMMENDATION

Unit Heads ensure that appropriate decisions are made at each stage of handling prospective discontinuance cases.

Summary trial preparation (CAP5)

- 4.20 We were pleased to note improved recording of review. In our file reading we saw a few instances where the file endorsements were below an adequate standard, but generally, the standard on both magistrates' courts and Crown Court files was reasonable.
- 4.21 We have commented on first review of evidence and public interest criteria in Chapter 3. In the sample of magistrates' courts trials, we found requests for full files were timely in all applicable cases inasmuch as such requests are endorsed directly onto the file jacket in court at plea/election, and this forms the action request for the police under the single file system.
- 4.22 We also found that trial reviews were timely in all applicable cases. Where it was appropriate to request further information at that stage, this was done in 77% of cases. Appropriate use was generally made of S9 Criminal Justice Act 1967 and Special Measures applications made in the three out of four ascertainable cases to which they may have applied.
- 4.23 Although we saw the existence of a pre-trial check form, it was used very inconsistently. Our file sample showed five cases where there was no evidence of pre-trial checks being done. Managers will wish to ensure consistent use of the form and recording mode of trial guidelines above.
- 4.24 We commented favourably in our last report on a trial pack produced by the Area in anticipation of the pre-trial review (PTR). It is intended that this be served beforehand for the defence to consider, but it is often served on the day of the PTR itself. This can limit the effectiveness of the hearing, but the defence usually proceed on the basis of what has been received in the advance information. The success of PTRs may vary according to the individual prosecutor and their knowledge of the cases in the list. Generally, however, the system is seen positively - cases being adjourned for PTR and directions with a clerk, at which time another PTR is then listed two to three weeks before trial to ensure it is going ahead.

- 4.25 The CPS, particularly in the south of the Area, has been active with the local magistracy in looking at listing practices and case progression. We discuss below steps being taken in order to progress cases and ensure effective trials. Our magistrates' courts file sample showed no cases that were ineffective or vacated through a CPS failure of review or preparation.

Committal and Crown Court case preparation (CAP6)

- 4.26 Where it could be ascertained from files in our Crown Court trial file sample, requests for full files were timely and committal review was timely in 91% of cases. We considered that the decision to proceed at committal stage in one case (2.5%) did not comply with the evidential Code test. Significantly, we also disagreed with the decision to proceed on the evidence at committal in four cases in our JOA sample (13.8%). Of the 32 cases in the trial sample where we considered it appropriate to request further information or evidence at that stage, this was done in 27 (84%).
- 4.27 Preparation and service of papers showed 80% timeliness; one case in the sample was adjourned because of late service. All sent cases were served in the period directed by the court.
- 4.28 It was a recommendation in the last report that the role of caseworkers be reviewed in relation to committal preparation. Whilst there is a significant input to the process by caseworkers in the Taunton office, who prepare most standard cases on Compass - including the indictments - this is not so at Bristol, where the great majority are still done by lawyers. Guidance has been prepared and training given and it is intended by management to re-invigorate this development. We would encourage this, not only to develop caseworkers, but also to optimise the deployment of the TU lawyers who are also exclusively covering the charging centres in Bristol.
- 4.29 Once the case is committed, it is the caseworkers who are preparing the instructions to counsel and these are not routinely seen by the lawyers before being sent out, although the lawyers should be responsible for drafting the free-text part of the instructions. We found that instructions to counsel were satisfactory in just 41.5% of cases; that is to say that instructions did not sufficiently address either the issues in the case or acceptable pleas where appropriate. This is important in enabling matters to progress at plea and directions hearings (PDHs) or trial when there is no duty lawyer present from whom counsel may take instructions. This is, if anything, more problematic than it used to be because Higher Court Advocates (who were also available at the Crown Court to instruct counsel) have had to be re-deployed to the charging initiative. In addition, we received feedback that telephone contact by counsel with the offices can be difficult. The lack of improvement in the quality of instructions is disappointing in the light of the recommendation in our last report that it should be monitored.
- 4.30 We also found a higher proportion of indictments than the national average required amendment (35% against 26.1%).

- 4.31 These factors taken together would suggest that a greater lawyer input to these aspects, rather than just the preparation of the package itself, might be beneficial. We understand that at present, in Bristol at least, in straightforward cases or those that go to plea, a lawyer might see nothing more of them after preparing the committal package. The certificates of trial readiness go to the level D team leader who has no personal knowledge of the case and must therefore rely on the assessment of readiness by the caseworker; his certification may therefore add little to the process. This is something that the reviewing lawyer should do, thus maintaining responsibility for the case and knowledge of its progress, and management should give this consideration.
- 4.32 In the 20 applicable cases in our Crown Court trial file sample, only eight showed timely compliance with PDH orders, which is consistent with what we were told. Although the delay was directly attributable to the CPS in only one case that we could ascertain, it is an issue for the prosecution team.
- 4.33 We noted that counsel frequently returned the Bar standard form; however we found that counsel advised on points that the CPS should reasonably have taken in just 29% of cases. Consideration of our JOA and JDA sample showed that counsel advised on weaknesses in 63%. We understand that there are no formal feedback or liaison arrangements with the Bar, which should be something for the CPS to consider.
- 4.34 PDHs seem to be of variable effectiveness. There is no system in the Area for “paper” PDHs to streamline the process, and lists in Bristol are often heavy. One of the factors that appears to impede progress at PDH is early availability of convenient witness dates for trial. This waits upon defence notification on the PDH form of the witnesses required before enquiry is made. The police then act on the defence notification on the form and not upon CPS direction, which means that it is not managed by the CPS. Listing for trial only takes place thereafter. It is hoped that ongoing plans for Effective Trial Management (ETMP) may address this.
- 4.35 We make here a recommendation to assist in addressing the issues and shortcomings outlined in Chapter 3 and case management throughout the life of a file.

Aspects for improvement

- * Balance and type of input to the pre- and post-committal process by lawyers and caseworkers.
- * Assurance of the standard of instructions to counsel.
- * Timely compliance with PDH orders.

RECOMMENDATION

Unit Heads ensure timely and pro-active initial and continuing review in all cases and consistent use of processes in case management.

Disclosure of unused material (CAP7)

- 4.36 Disclosure of unused material in the magistrates' and Crown Court is generally well handled, with unused material kept in distinct files in the great majority of cases, although disclosure letters may be with the general correspondence.
- 4.37 Whilst there was one failure to disclose material in which led directly to a judge directed acquittal, the overall performance was well above the average noted in inspections to date in the current cycle, as detailed in paragraphs 3.29 and 3.30.
- 4.38 Lawyers have received training on the revised JOPI, but although offered as joint training, the uptake from the police was limited - mainly involving ASU officers. This may have contributed to a slower implementation of the JOPI by the police. Aspects of difficulty hinge around what material is sent to the CPS and the proper use of the undermining material form (MG6E).
- 4.39 There is clearly an issue locally with obtaining certain third party material that can adversely affect this performance, and the overall conduct of cases, and this is something that senior management will wish to pursue vigorously with the relevant authorities, so that a local protocol can be agreed and enforced.

Strengths

- * Handling of disclosure.

Sensitive cases (CAP8)

- 4.40 We found a sound approach, overall, to the handling of sensitive cases.
- 4.41 Concerns at the last inspection regarding the handling of child abuse cases prompted a recommendation regarding review and monitoring, as well as data collation. Systems and processes are now in place regarding the latter. Whilst in some cases there was a lack of noted evidence of continuing review, we found that these cases were generally now well directed, with one or two examples of very thorough attention. Care is needed that the indictments are not overloaded in historic abuse allegations.
- 4.42 Two of our charging scheme advice files concerned sexual/child abuse allegations; appropriate advice was given in both.
- 4.43 Domestic violence cases are not consistently reviewed by specialists, although they are properly referred to such lawyers - as required by CPS policy - if discontinuance is considered. We considered two cases did not comply with the evidential Code test because further enquiry should have been made and evidence pursued that could have meant a successful prosecution. In another, lack of control and positive action were contributory factors in an unsuccessful outcome.

- 4.44 Of those cases in our sample involving offences charged as racist incidents, we considered that two lacked evidence of racial motivation and the charges did not encompass the proper nature of the offending. Both these, and another where the racially aggravated offence was not linked to another case, evidenced lack of clear management and direction. Some of the files did not fully record reviews or the reasons for decisions.
- 4.45 Street crime cases showed generally sound handling, with pro-active and timely action being taken.
- 4.46 Cases where complainants were to be updated of case progress were identified by a red tag on the file jacket in all these sensitive cases. We were not always able to see evidence that contact was made after hearings with the police to show that this was happening and this aspect requires attention.

Youth cases (CAPI3)

- 4.47 Youth cases are handled to much the same standard as adult cases, although there is room for improvement in making further enquiries and pursuing further evidence. In one of the no case to answer cases that concerned a youth, we found that the outcome was foreseeable and the CPS could have done more. We also considered that the evidence could have been improved in a case that resulted in acquittal.
- 4.48 Although persistent young offender figures are now good, we had concerns in three cases about the time it took youth cases to progress - one being delay between arrest and charge and two others in the time taken to dispose of them at court.

Proceeds of Crime Act (POCA)

- 4.49 The Area has made little substantive progress in training and embedding procedures to deal with restraint and confiscation orders under POCA. Awareness is very low, save with the current specialists. The person originally nominated as Area Champion has left, and it is only recently that steps have been taken to grasp this important legislative initiative.
- 4.50 The current Champion has now been dedicated to the POCA role to take matters forward both internally and with other agencies; contacts have been established with the police and a meeting has taken place. The Area is satisfied that the police have the necessary resources in place, and will now need to agree a protocol as to thresholds and circumstances in which POCA proceedings will be undertaken.
- 4.51 The POCA lead has also produced a short introductory guide for all lawyers and caseworkers as an interim aid until more comprehensive training can take place. In light of the steps now being taken, it is not intended to make a recommendation, but the Area must ensure that POCA principles are quickly understood and implemented, particularly now that statutory charging is underway.

Aspects for improvement

- * Training and implementation of POCA.

Anti-Social Behaviour Orders (ASBOs)

- 4.52 The Area benefits from having one of the 12 ASBO specialists in the country who have dedicated responsibility for developing relationships and agreements with other agencies and authorities for the application of these orders. This has meant extensive networking and establishing wide contacts, such as in Crime and Disorder Partnerships, in order to agree procedures and protocols for effecting the legislation. The ASBO lead has been involved in presentations to the magistrates and clerks, one of whom has also been appointed as lead to implement the legislation
- 4.53 The main issue is that of identifying suitable cases for ASBOs. The responsibility for identification sits with the lawyer in court and may therefore not be consistent. It is recognised that training and systems for identifying and reviewing this aspect of cases are needed. Consistency will be needed as to the types of situation where orders are sought. In addition, data collection and tracking systems need to be put in place; although CMS can “flag” a case it does not record these outcomes.
- 4.54 Discussions are ongoing for a site to be set up at Chard for conditional cautioning through a Criminal Justice Panel. This will be a form of diversion from prosecution where the criteria for prosecuting would otherwise be met, and the offender agrees to accept a caution with conditions. The Panel recommends the conditions to be imposed.
- 4.55 The Act also introduces dispersal and closure orders and work is being undertaken to see where and how this affects the CPS, and what structures need to be put in place.

Strengths

- * Work undertaken to promulgate implementation of ASBOs.

File/message handling (CAP9)

- 4.56 In our last report we were critical of the standard of file “housekeeping” in general, along with irregular evidencing of review and decision-making. The Area had just introduced a File Endorsement Standard to address deficiencies. In this inspection we were pleased to find better order and some standardisation in files.
- 4.57 The Area uses three systems for tracking file movements – the Police terminal (ASU), Case Management System (CMS) and DataEase in Bristol. This causes duplication of work and the use of two terminals in Taunton CJU restricts the availability of desk space.

- 4.58 The single file system has been adopted in all the units except in youth cases where, once a full file is required for trial, the police keep a copy. Similarly, it is not unusual for a working copy of the committal files to be made up for the TU lawyers to review.
- 4.59 Level A staff are responsible for identifying urgent post, but there is a risk that if not marked as such, it may be missed by inexperienced staff. In Bristol TU, there is a fragmented approach to the opening, stamping, distribution and allocation of mail, which can cause delay and is of questionable efficiency.
- 4.60 In general, correspondence is linked to files or passed to the lawyer or caseworker in a timely fashion, although the youth team was experiencing a backlog of post due to the temporary reduction in staff, and the Avon team, at the time of inspection, had a build-up of correspondence and papers that needed to be linked. Lawyers in this CJU team cover the work of absent colleagues who work to the same court centre. The Bristol team in the CJU maintains a container where urgent tasks are kept for the duty lawyer to manage. In the other Taunton and Bristol units, files are left in the lawyer's or caseworker's cupboards, or on their desks. Although these are checked on an ad hoc basis, no standard system exists to ensure that urgent work or post are dealt with for absent colleagues.
- 4.61 Concern was raised that CPS staff are reluctant to handle telephone calls and contact can be very difficult. A dedicated telephone line is made available to certain key outside agency staff, thereby potentially creating a customer service hierarchy. There is a tendency for CPS staff not to pick up each other's telephones so calls are diverted to voicemail. However, systems need to ensure a ready response to important queries that require it. These issues do not contribute to effective customer service, nor do they help in raising public confidence.
- 4.62 As a result of process changes resulting from new initiatives, there is a need to update all published unit systems. Although not completed at the time of our visit, progress has been made on revising instructions. Management should ensure that staff training is based on the new office procedures and that the guidance is consistent across the Area.

Aspects for improvement

- * Telephone answering service.

Custody time limits (CAP10)

- 4.63 Custody time limit (CTL) provisions regulate the length of time an accused may be remanded in custody. Failure to monitor the time limits and, where appropriate, make an application to extend them, may result in a defendant being released on bail who should otherwise remain in custody.
- 4.64 We examined a total of 12 cases subject to CTLs, consisting of seven cases completed in the magistrates' courts and five in the Crown Court. Files were clearly marked to indicate that CTLs applied, but the review and expiry dates were not immediately apparent when they were endorsed on the back. The review date for one case was incorrectly calculated and the error was not detected by a management check. In three cases, the review dates were not noted on the files, which carry the risk of CTL expiry dates being missed.

- 4.65 One file endorsement was unclear as to the committal date and, adding to the uncertainty, was a letter from the court warning of the imminent expiry date referred to a different committal date. Although the CTL was not affected in this instance, no evidence was found on the file to establish whether action was taken to resolve the difference.
- 4.66 Notices to apply for a CTL extension were duly served in two cases. However, there were no instructions for the advocate on the files, and one file had not been endorsed with the new expiry date.
- 4.67 The units have several management systems for monitoring review and expiry dates. In the Bristol TU, the Practice Manager produces a DataEase report, which is the primary mechanism for ensuring CTL compliance. From the examination of our file sample, it would appear that one case subject to CTLs - which had no review date endorsed on the file jacket - had not been captured. We are therefore concerned about the effectiveness of using DataEase reports as a management tool. The B2 managers in the Crown Court units have little involvement with CTL monitoring, which is also of concern.
- 4.68 Despite a previously good record, at the time of inspection the Area had had six CTL failures in the current year. Staff were provided with training and instructions issued following the first failure. However, in light of further failures, it is necessary for the Area to revisit and tighten its CTL systems, and for managers to identify appropriate training and guidance for all staff.

RECOMMENDATION

The Area reviews its current custody time limit systems to rectify weaknesses and, where necessary, provide training and guidance to staff.

Joint action to improve casework (CAP11)

- 4.69 In common with other CPS Areas, Avon and Somerset co-operates with the courts by completing forms, in the event of cracked or ineffective trials, to agree the cause. This information is collated and discussed at meetings with both magistrates' courts and Crown Court managers.
- 4.70 There is also a revised listing practice that has been agreed with the magistrates' clerks, which assures single listing for certain priority cases, e.g. domestic violence and street crime. No more than two are listed for mainstream cases and there is multiple listing for simple cases such as document and minor public order offences that are easily transferable between courts.
- 4.71 The Area considers that these measures, together with the PTR system outlined above, have played a significant part in reducing the ineffective trial rate and this is one of the agencies' joint successes.

- 4.72 We discuss further joint working under “Partnerships and resources” in Chapter 10, including the recent introduction of a Case Progression Officer appointed by all three agencies.
- 4.73 Unified work has also gone on to reduce successfully the PYO figures. There is an LCJB appointed Co-ordinator for collation of agreed data, together with case progression groups, encouragement of police to use bail pre-charge, and a drive to have early availability of witnesses’ convenient dates in order to fix trials at first hearing. The consistent use of youth specialist prosecutors plays an important part in case progression.

National Probation Service and Youth Offending Teams (CAP12)

- 4.74 Arrangements for the provision of packages for pre-sentence reports (PSRs) are satisfactory and good for bail information schemes. However this provision is not consistently recorded on files to show that it has taken place, particularly with Crown Court files - in 24 applicable cases, we were only able to find a record of disclosure in eight.
- 4.75 Any concerns over the timeliness of information are dealt with relatively well, but issues have arisen regarding prosecution of breaches of orders in the Crown Court. This will be something the management will wish to ensure is happening satisfactorily.

Appeal and committal for sentence processes (CAP14)

- 4.76 Different systems exist in Taunton and Bristol to handle appeals to the Crown Court and committals for sentence. In Taunton, the level D Unit Head decides whether the files should be allocated to a lawyer or A2 member of staff to prepare; in Bristol they are initially booked in by the pre-committals team, then passed to caseworkers to prepare.
- 4.77 Concerns were raised as to the quality of counsel’s instructions where the standard format is used, as well as the order and content of the files. Management will wish to ensure that A2 staff have had adequate training and that Manuals of Guidance are available. Quality assurance checks should also be considered.

Recording of case outcomes (CAP16)

- 4.78 Manual forms are used to record traffic offences at court and are then “quick registered” on Compass. There was a manual process for recording cases previously, but this resulted in inaccurate recording. To overcome the problem, a manual adjustment was made, but the Area does not have the details or audit trail as yet. We found evidence that some specified proceedings were being wrongly included as completed cases on Compass. Managers need to ensure that administrative staff are fully aware of which road traffic cases can be recorded in the Area’s casework statistics.
- 4.79 Performance indicators have been inaccurate with large fluctuations in certain categories of case, particularly summary motoring and warrants; there have also been major backlogs in Crown Court finalisations. Stocktakes have not been regularly conducted and appropriately actioned. To help resolve the issue, the Area is implementing some quality assurance checks in the form of weekly copying of reports to the units about various categories to confirm their accuracy.

- 4.80 Bristol TU experiences some problems with the process for archiving files - the unit does not have a system for ensuring that finalised cases are duly brought to the administrative team for archiving. In Taunton TU, a checklist has been introduced to help the finalisation and archiving procedure. Individuals are accountable for each task that needs to be carried out. The form provides an audit trail and ensures that the process is completed. The Area should evaluate the effectiveness of this system and share good practice between the units.

Aspects for improvement

- * Timely finalisation and accuracy of PIs, including warrants.

Information on operational and legal issues (CAP17)

- 4.81 The Area has a Casework Advisory Group (CAG), comprising the level Ds and Es, that is tasked with looking at aspects of casework management, including taking forward actions from recommendations in the last inspection report. Decisions here are taken forward through team meetings.
- 4.82 A weekly bulletin including casework issues is also compiled by the CJU Head in Bristol for the teams there and, we understand, is well received.

Learning points (CAP21)

- 4.83 All Unit Heads and Team Leaders conduct Casework Quality Assurance (CQA) checks and give individual feedback to the person concerned and/or keep records for use in the performance appraisal system. At Taunton, the Combined Unit Head produces a quarterly bulletin on adverse case results for the office. Team meetings will sometimes include casework discussions and the level D Team Leaders attend the Casework Advisory Group meetings
- 4.84 Adverse case reports are compiled, countersigned by the Unit Team Leader and passed to the Unit Heads, who may refer back to the lawyer concerned where necessary. Those seen on file were, for the most part, accurate in their assessment, although we did disagree with one, which stated nothing else could have been done to avoid the outcome in that case.
- 4.85 However, as during our last inspection, we could not see a comprehensive system for learning from experience that goes across the TUs and CJUs in either of the two offices, or across the Area as a whole. Given the present geographical split between teams, it is important for them to learn the same lessons and have a mutual understanding and approach as far as possible. As the charging scheme beds down, it will be very important to have effective means of feeding back and conferring over outcomes in resulting cases. This will particularly be the case where there has been disagreement over the strength of the case, which could be a source of division between TU and CJU lawyers.

Aspects for improvement

- * Systems for learning from experience across units.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 Generally, we received satisfactory reports of the standard of advocacy of lawyers and designated caseworkers (DCWs), and all the in-house advocates we observed at court received a satisfactory rating. There is a programme of ongoing advocacy assessments by managers.
- 5.2 The standard of agents and counsel was also reported, and observed, to be generally satisfactory. Agent usage in the Area is quite high, to backfill for lawyers at charging centres and cover courts that newly recruited lawyers are not presently experienced enough to do. Parts of the Area use the same agents regularly, or provide a period of induction within the CPS office. We commended this in our last report and are pleased that it has been maintained. This practice, together with written information, has undoubtedly helped to improve the quality of service delivery at court.
- 5.3 Historically the Area has attained high target sessions for Crown Court advocacy by Higher Court Advocates (HCAs). This has reduced significantly with the implementation of charging and their frontline use in charging centres. Although it is intended that this is a short-term measure, it has clearly had an effect on morale for both HCAs and level C2 CJU lawyers who have been moved into the TU from the CJU to support work there. This is discussed further in Chapters 8 and 11.
- 5.4 There were plans to monitor all agents in the magistrates' courts over the summer, but this had not been completed. The Area is planning to introduce monitoring of counsel in the Crown Court in the near future and is taking steps to inform the Bar accordingly. Given this step, and the comments we have made in paragraph 4.33, we consider that there would be value in the Area formalising its liaison with local chambers; this is an aspect for management attention.

Court endorsements (CAP20)

- 5.5 Court endorsements showing a record of case progress in the magistrates' and Crown Court were satisfactory in 92.3% and 90% of cases respectively, which was a clear improvement on the last inspection, although there is still some room for progress on how out-of-court endorsements are dealt with.
- 5.6 We also noted that the Area has issued reminders to lawyers and agents as to the importance of full and legible endorsements.

Court preparation (QSD1)

- 5.7 Our court observation supported feedback that levels of preparation for court are generally satisfactory. Indeed, we saw one instance of a prosecutor who, standing in for a sick colleague, had very little opportunity to prepare and who managed very well. Advocates will wish to ensure this standard by not over relying on their papers when addressing the bench or judiciary.

- 5.8 Certificates of trial readiness have been introduced in the Crown Court, with more success in Taunton than Bristol, where there are caveats on their effectiveness by, for instance, stating that the prosecution is trying to trace witnesses or awaiting a defence statement. Whilst the Court has a dedicated Case Progression Officer, this post is not currently mirrored in the CPS or police. This may be resolved in the longer term within planning for ETMP. An alternative might be to adopt a joint post appointed by all the agencies, as is being piloted in Somerset.

Attendance at court (QSD2)

- 5.9 It clearly helps to progress the business of the court by prosecutors being present in good time before the hearing commences. Prosecutors' attendance in the magistrates' courts is timely; however, in the Crown Court we observed two instances where the caseworker was not in court in good time.
- 5.10 The Crown Court at Taunton has one courtroom for criminal matters - sometimes using the second - and is covered by caseworkers on a 1:1 ratio for the most part. In Bristol, where there are ten courtrooms - several of which will be sitting at any one time - this is not as easy to achieve. However, it is the norm to have 1:1 coverage during the prosecution case, although there was some concern that this may not be the most advantageous cover and that a note of cross-examination of the defendant might be preferable. In serious trials cover may be provided throughout - certainly trial notes seen on files suggest that cover is generally provided during the prosecution case and at key points, albeit not always for results.

Accommodation (QSD4)

- 5.11 The standard of accommodation at court is variable. In the Crown Court at Bristol, the CPS facilities are significantly poorer than those at Taunton, particularly considering the number of courts which have to be covered at the former. In the magistrates' courts, the overall standard of accommodation is reasonable.
- 5.12 In none of the courts visited did we see computer facilities in CPS rooms, which might assist in progressing or following up cases at court. We understand that a successful bid has now been made to install these, which will happen once the charging centres are all computerised.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 There has been a significant improvement reported in the standard of witness care demonstrated by both agents and in-house prosecutors at the magistrates' courts since the time of our last inspection. It should be noted that this improvement was from a low point last time, and we understand there are still a small minority of advocates whose commitment to witness care could be improved. The evidence we received as to the treatment of witnesses at the Crown Court was also largely positive.
- 6.2 Familiar witness concerns exist; the length of warning to attend the Crown Court, waiting time at court, the desirability of seeing their statements earlier and more information on the progress of the case (both leading up to, and during, the trial itself).
- 6.3 It appears from our file sample and other evidence that Special Measures applications are generally handled appropriately; concerns as to timeliness were not reflected in our sample. However, the phasing of witnesses was raised with us as an element on which the CPS could do more.
- 6.4 There were significant concerns expressed about the provision of necessary information to the Witness Service. In the Crown Court, Lists of Witnesses Attending Court (LWACs) are only provided some of the time, and in the magistrates' courts it is extremely infrequent, despite agreement that they should be provided. The Witness Service are not receiving adequate information from the CPS regarding Special Measures orders, which affects Witness Service staffing of courts, and thus the standard of care provided at trial.
- 6.5 Although only a limited number of courts were visited, it is apparent that standards of accommodation provided for victims and witnesses vary. In neither Bristol Magistrates' Court nor the Crown Court sitting at Taunton - two of the major courts in the Area - were there separate facilities for defence and prosecution witnesses, although there are reasonable facilities for the Witness Service.

Aspects for improvement

- * Timely provision of appropriate witness information to the Witness Service.

Direct Communication with Victims (CAP13)

- 6.6 The Area has a dedicated Case Information Unit (CIU) that produces Direct Communication with Victims (DCV) letters based on a proforma, with free text drafted by the relevant lawyer. Notwithstanding this, there remain issues regarding the identification of cases falling within the DCV scheme and the timeliness of those letters. This is disappointing in light of the recommendation in the last report that the systems for identifying cases, analysing timeliness, accuracy of records and the quality of correspondence be reviewed.

- 6.7 In our file sample, we noted that there were a majority of cases on which a letter should have been sent to the victim, but none was evident (55%). This may be due to differing practices as to where copies of these letters are kept, although it might be preferable for the file to be a comprehensive record. The ad hoc steps currently being taken to identify missing cases, such as sending a member of the CIU to check files coming back from court from time-to-time, does not appear to be addressing the issue adequately.
- 6.8 The cause of delays was expressed as partly due to the single file system, and partly to the time taken to get the draft completed by the lawyer before it is sent to the CIU. All letters are sent out from Bristol, which can increase the delay when they originate in Taunton.
- 6.9 There appears to be no systematic approach to dealing with these issues. Plans are currently underway with the police to create a witness information service that will provide comprehensive information to witnesses throughout the life of a case. It is intended that the CIU will be subsumed within that and we would hope that the opportunity may thereby be taken to address these concerns in the longer term.
- 6.10 The quality of letters, as evidenced in our file sample and others seen on site, is variable. Incorrect reasons for discontinuance are sometimes given. In addition we found that the free text did not always follow the context of the standard paragraphs preceding it, nor did it always provide an adequate explanation. Accessibility and clarity of the language used to explain to the victim what had happened could also be improved.

Aspects for improvement

- * Systems for identifying and assuring timeliness and quality of DCV letters.

Meetings with victims and relatives of victims (DCV5)

- 6.11 We commented in our last report on the very good facilities at the Bristol to hold meetings with victims or families. The room has direct access from outside, and has been designed with this function in mind.
- 6.12 The Area has had a number of meetings, and we were told that these had been well received by victims and relatives. In two instances, other arrangements - which were more difficult for the Area to organise - had been put in place to make the meeting easier for the relatives of victims, and we compliment the Area for this effort.

Victims' Charter (CR2)

- 6.13 An issue has recently developed with compensation claims at court, whereby magistrates' courts in the Area are requiring firm evidence of the victim's details, and the amount claimed, before awarding compensation. It appears that the practice varies from court to court - clarification should be sought with the clerks, and the Area will need to ensure that systems and adequate early information are available to enable compensation to be properly applied for.

- 6.14 The Victim and Witness sub-group of the LCJB has developed a protocol for witness care and delivered multi-agency training days; the CPS has participated fully in these processes.
- 6.15 As previously mentioned, the CPS - within the LCJB - is working with the police towards the establishment of a witness information unit. The programme has a good deal to cover in the time remaining before the extended target date to open the unit(s). A number of issues, including the number and location of units, terms and conditions of the police and CPS staff who will jointly work there, and the possible presence of the Witness Service and Victim Support within the units, remain to be resolved.

7 PERFORMANCE MANAGEMENT

Performance standards/Performance monitoring (PM1& 2)

- 7.1 There is not yet a fully embedded performance management culture within the Area, particularly among level B and D managers. There are indications of an improved focus on performance in recent months, although we consider that there is still some way to go. Area managers have complied with the national CQA scheme, and most have found it to be useful. The Area has decided to concentrate its CQA efforts on monitoring pre-charge advice for a period of two months – this is a sensible approach in light of the Area’s involvement with statutory charging.
- 7.2 The monitoring of adverse cases is generally good, although in discontinued cases not all teams have been considering the case files, only the results sheets - this was disappointing in light of the recommendation in the previous inspection report (see Annex 5), and is a matter for management attention.
- 7.3 The Area receives a significant amount of performance data on a regular basis from the LCJB. Much of this is at a strategic multi-agency level and does not necessarily assist with understanding CPS performance.
- 7.4 There has not been a consistent approach to gathering, analysing and disseminating performance information among staff and managers. Minutes of meetings have often recorded that performance data was not available for discussion – this has improved a little in the recent past, but evidence of the effective use of performance data is still limited.
- 7.5 There was a low level of understanding of performance among staff, even in key priority aspects such as unsuccessful outcomes. The Area is one of the few that does not have some type of formal performance reporting matrix or pack. The Area Business Manager is intending to develop a ‘balanced scorecard’ for next year.
- 7.6 We were pleased to note that the Area now collects some data that is not related purely to casework outcomes, for example, court sessions per lawyer. The intention now is to monitor individual performance more closely. Unfortunately the data we inspected in this respect was prone to inaccuracy/incompleteness, thereby reducing its potential effectiveness.

Aspects for improvement

- * Collation, analysis and dissemination of performance management information.

Joint performance management (PM3)

- 7.7 There has been some good joint working in monitoring and improving the cracked and ineffective trial rates throughout the Area, although some reconciliation work had identified that the data is not 100% accurate. There has also been some good work on tackling multi-agency priorities via the LCJB task groups – these are discussed in more detail in Chapter 10.

- 7.8 There were concerns over the accuracy of joint performance management (JPM) information at the last inspection, with exception reporting giving misleading results. The CPS and police have continued to use the national JPM system, although the target return rate of the TQ1 forms used to monitor performance is only 75%; we saw instances of incomplete JPM forms on files in our sample. Quality of files still remains an issue and is discussed in Chapter 10. Discussions have taken place with the police over whether to modify JPM in light of pre-charge advice, but at the time of the inspection the changes to the process which had been agreed had not been implemented.

Risk management (PM4)

- 7.9 The Area has a Register with eight identified risks, together with the proposed countermeasures. We were satisfied with the majority of these, although we consider that more could have been done in the Area to manage the risks associated with using only TU-based lawyers to operate statutory charging in the north of the Area.
- 7.10 We also consider that the Area would have benefited from recognising, via the risk management system, the long-term problems with PIs. We were told that the Risk Register had been discussed at the end of July, but it had not been updated at the time of inspection and has not been made available to us.

Continuous improvement (PM5)

- 7.11 There is not as yet a culture of continuous improvement within the Area. Some improvement activity has taken place, but it has been mainly reactive in nature. The Local Implementation Team (LIT) set up to assist in implementing CMS has been involved in reviewing processes, although this appears to have been driven more by necessity than a pro-active approach to continuous improvement. Further reviews are planned as police reorganisation is taking place that will impact on CPS systems.
- 7.12 As mentioned in Chapter 4, the Casework Advisory Group has been responsible for monitoring progress against the Action Plan from the previous inspection. At least some progress has been made on the majority of recommendations, although a small number shown as completed appear to have outstanding issues – a view shared by managers inheriting sections of the Plan.
- 7.13 We have also commented in Chapter 4 about learning from experience. The Area should take the opportunity to improve the sharing of information, including success stories and good working practices, between the units.
- 7.14 The Area might benefit from having a framework for systematic identification and implementation of improvements in both casework and administrative processes. We make a recommendation about this in Chapter 13.

Accounting for performance (PM6)

- 7.15 It is very difficult for the Area to accurately account for performance in light of the unreliability of its PI data over a lengthy period. Very wide fluctuations in figures render trend analysis and target setting/attainment of limited value. It will also have had, and will continue to have, a significant impact on the Area's budget allocation.

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The Area has been much more successful in attracting new recruits in the past 12 months (using local and national initiatives). It had set itself a target of employing 17 new lawyers to replace leavers and prepare for the implementation of statutory charging in the summer. At the time of the inspection, positions had been offered to 13, with other potential candidates identified. However, in the light of its budget position, the Area was in the process of re-assessing whether it could afford to continue increasing lawyer numbers.
- 8.2 There is an imbalance in terms of lawyer experience levels between the north and south of the Area, caused primarily by the very limited rotation between the two sites and the placement of virtually all the new recruits into Bristol. This is having a major impact in the north until such time as the new staff can be appropriately inducted, trained and effectively deployed.

Staff structure (P2)

- 8.3 The Area is finding it challenging to identify the optimum staffing levels for each unit, and this has been exacerbated by the need to implement statutory charging. It has little confidence that the national Activity Based Costing (ABC) Model can assist with this work and the unreliability of PI data is also a hindrance. Considerations had been based on identifying the number of prosecutors needed in CJUs to provide the minimum internal cover of magistrates' courts sessions. However, until new lawyers can be fully deployed, agent usage to cover the gaps will impact on the budget and that spend is not likely to be sustainable. Discussions were still ongoing during our visit, although some staff had already been transferred or seconded to the TU in Bristol.
- 8.4 There has been a noticeable increase in agent useage in the magistrates' courts in the first quarter of this financial year. The Area attributes this to statutory charging and the need to develop new lawyers, which has front-loaded agent expenditure this year. Consequently, in-house lawyers are doing fewer trials and losing their advocacy experience. Data and rosters provided by the Area suggested that in-house court coverage in the magistrates' courts has been some way below the target of six half-day sessions per full time lawyer per week for some time. Unit managers were tending to take a more robust approach recently.
- 8.5 Designated caseworker (DCW) deployment is variable. It is very good in Bristol where there is sufficient volume to justify daily early first hearing (EFH) courts as well as various other sentencing and traffic courts. Indeed, in Yate the Unit Head has obtained the agreement of the court to have a PTR court conducted by a DCW (prepared by a lawyer), with any forthcoming pleas being moved to the next door court, run by a lawyer. In the more rural courts, listing practices inhibit the best use of DCWs, primarily because of the need to deal with overnight prisoners and with insufficient volumes of overall work to require two courts. Taunton will shortly have three DCWs, which is in excess of the business requirement with current listing arrangements. In addition, newly recruited lawyers are deployed in DCW courts to gain experience.

- 8.6 We discuss in Chapter 5 the reduced advocacy deployment of the HCAs. Not only has the volume reduced, but sessions also now tend to be restricted to bail applications and preliminary hearings. The reduction in HCA deployment could be a concern, particularly as it carries a risk of de-skilling in the specialised and sensitive Crown Court arena. This in turn may lead to a reduction in the HCAs' self-confidence - particularly for those who have not had the opportunity to use their skills since training - and a drop in their standing with the Court.
- 8.7 The Area has stated its commitment to HCA development - it hopes to increase the number to more than 30 during the year and return to its previous levels of coverage at some stage. While it was recognised that the current situation was not intended to be permanent, there were concerns at the lack of clarity as to how long this would continue.

RECOMMENDATION

The CCP and ABM develop a formal staffing strategy that identifies the resources required for each unit, taking account of the agreed responsibilities and levels of court deployment of each team.

Staff development (P3)

- 8.8 Progress has been made in training and development, but more remains to be done in ensuring that the right people get the right training at the right time. Prioritising and delivering against individuals' training needs is an aspect for attention.
- 8.9 The Area has a training plan that is a mixture of mandatory local training, for example on CTLs and the Sexual Offences Act 2003, and courses available via the regional or national training programmes. At the time of the inspection the systems for ensuring that individuals' training needs are met needed strengthening. This will not have been helped by the delays in completing Personal Development Plans (PDPs) for staff. There is also scope for more co-ordination between the units and the Training Officer.
- 8.10 Records are maintained of training provided, although we were not assured as to their accuracy. During a spot check of the records, there was no indication that some lawyers had received the mandatory (or any other) training in 2004.
- 8.11 Feedback from staff suggested that locally delivered training was more effective than nationally provided courses. Formal evaluation forms are completed at most training events, but the Area did not have the results of any feedback because the forms are sent to the Service Centre. This should be simple to rectify.
- 8.12 Although the target date had not been met, work is in progress towards the objective in the Business Plan to produce a training and development programme for level A staff. A few local developments, such as training more staff in counsel fees and a small amount of cross-team training in Bristol TU had occurred, but more remains to be done. That said, the Area has shown a positive attitude to professional development of level A staff with, for example, six being sponsored to do the Certificate in Criminal Prosecution.

- 8.13 The Area has a number of managers comparatively new to their current role. The Area Business Manager is providing some local management training/education in performance and financial management, but more work is needed if they are to be able to make a full and effective contribution to Area performance, policy and strategy.
- 8.14 Induction into the CPS was generally satisfactory, but there was less satisfaction with the support available to staff moving roles (usually on promotion).
- 8.15 The Area has a system of three-month rotations between the CJUs and TUs. New lawyers also spend three months in the TU as part of their development. Views as to the usefulness and desirability of the three-month spell in the TU were variable – the majority felt that, if rotation is to take place it should be for a longer period. As it stands, it is too short to allow cases to be followed through and may add little to the knowledge of the level C2s concerned, who are used primarily in the charging centres whilst there.

Aspects for improvement

- * Training for level A and D staff.

Performance review (P4)

- 8.16 The majority of staff perceived that there has been some improvement in the use of the staff appraisal system. There have been a considerable number of management changes in recent months, particularly in Bristol TU, that have impacted on the timely completion of a considerable number of PDPs and Forward Job Plans (FJPs). Managers will want to ensure that the outstanding reports are completed urgently.
- 8.17 Objectives still tend to be too generic, and it is intended to improve this next year as the revised business planning process develops further.
- 8.18 A number of managers have received some additional training on managing individuals' performance. This has contributed to some sensitive issues being tackled this year that might otherwise have gone un-addressed – particularly with regard to attendance.

Strengths

- * Approach to handling sensitive performance issues.

Management involvement (P5)

- 8.19 The Area has appointed a Communications Officer who has led in the development of a communications strategy. There is a strong focus on external communication in the Area's approach that has brought benefits in terms of improving the profile of the CPS with the media and the local community.

- 8.20 Staff perception of internal communication was mixed. On the positive side there has been an improvement in the frequency of team meetings, which had lapsed in some units; there is a regular staff magazine which has a good balance of business and social issues; a wide range of staff were involved in developing the Area Business Plan and the infrastructure exists for ‘top-down’ communication. There was widespread recognition among staff of the efforts made by the ABM in making herself visible and available to them, including unit visits and meetings.
- 8.21 On the less positive front is staff perception of over reliance on e-mail as a communication tool (confirmed in Staff Survey results); non-lawyers are concerned that their views and issues are given lesser/no importance; and there was limited evidence of effective upward communication. The Staff Survey reveals that some members of staff believe there is a lack of openness by some senior managers. One key communication issue is that regarding the policy of resourcing the charging scheme, where the interest and concern of lawyers is high.
- 8.22 This needs addressing quickly as it has the potential to reduce trust. The decision not to circulate minutes of the Chief Crown Prosecutor’s Advisory Group (CCPAG) and some unit management group meetings has not helped in this regard. Whilst the recent decision to produce a key issues document from CCPAG meetings may assist, we would encourage publication of the minutes themselves.
- 8.23 There are effective Whitley Council meetings on a regular basis - discussions are frank and generally perceived to be useful. Where there have been disagreements, lack of effective consultation tends to be the cause, which is consistent with staff feedback on consultation in general. There is no Area Sounding Board.

Aspects for improvement

- * Dissemination of information from management meetings to staff.

Good employment practice (P6)

- 8.24 The Area has demonstrated strong commitment to family-friendly policies, with a variety of working patterns in place to accommodate individuals’ needs. As with many CPS Areas, some staff in Avon and Somerset perceived an imbalance – this was mainly related to concerns over compressed hours. Managers will wish to assure themselves that appropriate account is taken of business needs and the impact on other staff when considering individual requests. The Staff Survey results indicated a significantly lower level of satisfaction with the work-life balance in Avon and Somerset when compared with the Public Sector generally (48% satisfied against a benchmark of 65%). Conversely, the rating for the fair allocation of annual leave, flexible working hours etc is 15% higher than the average for CPS staff.
- 8.25 During 2003, references were made in minutes to concerns over a ‘long hours’ culture. While we received a small amount of feedback to this effect, this did not appear to be a significant concern to staff. Some staff had developed a habit of weekend and late night working and managers have sought to redress the issue.

- 8.26 The Area has faced challenges over the levels of sick absence, this being over the national average for the last three calendar years, with some long-term absence making a significant impact. Management actions have been improved as a result of a more focused approach, although some managers still had concerns over the timing and accuracy of some of the absence data.
- 8.27 The findings of the Staff Survey highlighted a number of aspects where improvement is required. The Area intends to form a focus group to look at the results and invitations to participate were about to be sent out to staff.

Equality and diversity (P7)

- 8.28 There is a generally positive approach to equality and diversity issues. This is reflected in both the commitment to community engagement and the efforts to ensure that the workforce is diverse and representative of the local population. The Area staff levels exceed the population benchmark for both black and minority ethnic groups (8.67% against 4.22%) and for females (59.5% against 50.3%). There has also been some positive action to increasing employment opportunities for disabled people, although the current premises at Taunton CJU would not allow wheelchair access.
- 8.29 The staff magazine regularly features information on important dates for various faiths and the Northern CJU was nominated for a National Diversity Award.
- 8.30 We were not made aware of any significant ‘Dignity at Work’ issues, although there is room for improvement in the relationships between the units and the Secretariat. A number of staff were concerned that the role of the CJU is undervalued and felt more could be done to ensure fairer distribution of work. The cultural division between the TUs and CJUs, exacerbated by their being accommodated on different sites, still persists. These relationships are issues requiring management attention.
- 8.31 The Area has participated in the production of an educational play that features diversity issues and has been made available to over 500 people from local CJS agencies and the community. Feedback was generally positive, although some CPS staff felt that last year’s production had ‘talked down’ to them – this may have contributed to the comparatively low uptake of places offered to staff.
- 8.32 The Area has just established an Employee and Community Awareness Group that will take the lead on equality and diversity issues. There were 13 volunteers for the Group, which has now had a first meeting to agree its Terms of Reference. It now needs to develop an Action Plan that should be aligned to the community engagement work of the LCJB.

Strengths

* Activities supporting equality and diversity.

Health and safety (P8)

- 8.33 The Area has a structured approach to health and safety issues with designated representatives in each unit. Regular reports have been issued identifying necessary remedial actions. Most of these have been addressed, although it was recognised that occasional delays have occurred as other issues have taken priority.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 There is limited understanding of financial matters among the unit managers, particularly at level D. The ABM is providing some further training and has 'translated' the national management reports into a format which managers now find easier to understand and use. At the time of the inspection, the one financial responsibility of unit managers was expenditure on agents, and there were different interpretations as to their level of responsibility/accountability. We make a recommendation later in this report over the desirability of increasing the involvement of level D staff in managing their own units, and an improvement in financial understanding would be part of that process.

Adherence to financial guidelines (MFR2)

- 9.2 The Area was not complying with the appropriate guidelines over the use of counsel in the magistrates' courts for special cases debited to the prosecution costs (account 3010 and 3020). Almost all agents covering full-day trial-only courts have been paid through this account, without appropriate regard to the nature or complexity of the case.
- 9.3 This practice has continued despite guidance being circulated. It is a moot point as to whether the guidance has been deliberately misapplied or misinterpreted. Certainly, the length of hearing seems to have been equated with complexity and taken as policy for use of the codes. This is a misuse of the prosecution costs vote and should be stopped immediately. The Area has debited £70,000 to the accounts in the period April - July 2004, which is greater than should reasonably be anticipated.
- 9.4 The court system for processing minor traffic cases in rural courts has meant that prosecutors are occasionally involved in handling cases that could be dealt with via specified proceedings. A spot check of closed files indicated that a small number of these cases were being inappropriately included in PIs, and managers should assure themselves that staff finalising cases are aware of the appropriate regulations.

RECOMMENDATION

The CCP and ABM ensure that only appropriate transactions are allocated to prosecution costs codes 3010 and 3020.

Budgetary controls (MFR3)

- 9.5 The ABM has taken on a greater than normal level of personal involvement in day-to-day financial controls in order to assure herself that the improved systems she has introduced are robust. Subject to our concerns over compliance to guidelines mentioned above, we were satisfied that the current budgetary systems were sound, with a strong reconciliation process in place.

- 9.6 The Area has placed increased importance on financial matters in the past year and the budget is a standing item at senior management meetings. In both 2001-02 and 2002-03, the Area overspent its allocated budget by approximately £200,000. Improved financial controls contributed to the Area remaining within budget in 2003-04, however the position for the current year is less encouraging and staff deployment policies need reviewing.
- 9.7 The Area had increased lawyer levels considerably in light of the need to implement statutory charging in the summer. A combination of factors, including lower than hoped for allocation from national budgets, reduced income through lower Higher Court Advocate deployment, and higher than anticipated agent deployment, have given rise to a challenge for the Area to remain within budget for this financial year. The mid-year position indicates a projected overspend in excess of £300,000 (6%). Discussions were underway at the time of the inspection to establish the most appropriate way to address this issue.

Management of prosecution costs (MFR4)

- 9.8 The systems for assuring prompt payment of prosecution costs have not been effective. Issues identified by inspectors included limited numbers of level A staff with knowledge of processing fees, with the result that backlogs develop in times of absence; caseworkers not agreeing with counsel at court basic information that affects fees; cases archived without fees being paid; no pro-active chasing of outstanding fee notes from chambers; and difficulty in locating files for which invoices have been received.
- 9.9 A significant backlog of unpaid counsels' fees has developed, particularly in Bristol. Work had already begun in trying to improve the situation, but a considerable amount remains to be done. A B1 manager in Bristol has been charged with clearing their backlog (more than 200 cases) by the end of October and a target of 10 days has been set for turnaround of new fee notes.
- 9.10 While these measures will assist, they do not necessarily prevent recurrence of some of the problems and a more comprehensive system, including clarification of roles and responsibilities with regard to fees, is required.

RECOMMENDATION

The CCP and ABM ensure that robust systems are implemented to manage counsels' fees.

Value for money approach (MFR5)

- 9.11 The long-term inaccuracy of PI data renders assessment of value for money difficult. The figures in Annex 4 indicate lower levels of case throughput than most other CPS Areas.
- 9.12 We remain concerned that the current system of a specialised unit to produce Direct Communication with Victims letters is not good value for money. This was the subject of discussion and a recommendation in the last report (see Annex 5).

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 CPS Avon and Somerset works hard and enthusiastically at its external relationships and partnerships. It has had historically strong links with other criminal justice agencies, having had an established Chief Officers' Group prior to the setting up of the Local Criminal Justice Board. The Chief Officers' Group was chaired by the CCP, who continued to chair the LCJB when it started.
- 10.2 The CPS is seen as being a strong and committed partner in this relationship, wanting to move things forward and engage in joint working. Other members were complimentary about the good leadership of the chair and the corporate view taken. CPS managers are also involved in the task and sub-groups and conscientiously attend the great majority of the meetings of these groups.
- 10.3 The LCJB is clearly a live and dynamic body where there is good co-operation and a strong desire to work positively together. It has enabled the CPS to have a voice more widely in the CJS, which it has been keen to do. It is recognised that the success at this senior level needs to be driven down to the grass roots with, for instance, joint performance management.
- 10.4 The CCP sits on the Chief Executives' Meeting, a group designed to bridge the LCJB and Crime and Disorder Reduction Partnerships. It is chaired by the Chief Constable and meets quarterly.
- 10.5 Good relations exist between the CPS and the magistracy and clerks. These cover day-to-day working in court, liaison at a higher level, such as with regard to listing practices as mentioned earlier, and involvement in wider activities such as the annual diversity conference. The CPS also has sound professional working relations with defence solicitors.
- 10.6 Additionally, the CPS is involved in the twice-yearly Local Justice Consultation Group. Chaired by the Justices' Chief Executive, the Group is designed to keep the judiciary, bench chairmen and defence solicitors apprised of the work of the LCJB and its progress, and provide the opportunity for them to have some input. Other than this and Crown Court User Group meetings, there is limited communication with the judiciary, save when matters go awry, and we consider that this is an important liaison that could be appropriately developed. We commented in Chapter 4 on the need to develop liaison with chambers.

Strengths

- * Contribution and commitment to the LCJB.

CJS agencies (KPR8)

- 10.7 At our last inspection, co-location under the Glidewell review proposals was partly achieved, with police staff about to join CPS lawyers and caseworkers at the TU office in Taunton. This has successfully taken place, but the recommended review, other than looking at day-to-day detail, has not taken place.
- 10.8 It is clear that, in terms of improving casework, the major benefit - linked to the single file system - has been the great reduction in paper communication, with more immediate face-to-face contact taking place between CPS and police decision-makers, which has also enabled speedier decisions in some circumstances. It follows that this has enhanced the working relationship with the police, which CPS staff are enthusiastic about, as confirmed in the Staff Survey.
- 10.9 In Taunton for instance, police attend weekly case discussion meetings with lawyers and caseworkers in the TU team, to look at ongoing casework. We consider this to be **good practice** that should be promulgated across the Area.
- 10.10 However, it is recognised that the hoped for saving in administrative terms has not been achieved and administration has not been integrated as far as desirable. The introduction of CMS has resulted, for instance, in CPS administrative staff stepping back into some registration tasks, and there are still some rubbing points in daily practices.
- 10.11 Operational structures are currently being considered, with a view to the devolution of case preparation by the police back to districts, aligned to charging centres. The aspiration is to “front-load” the process of file building and there is an ongoing pilot at Bath, where there is a police and CPS presence. The concern of the CPS in the units is the potential loss of the face-to-face contact, which is seen as a tangible benefit of co-location. It is clear that the police wish to do this in partnership with the CPS, who must ensure as far as possible that the resulting changes in both agencies’ working structures do facilitate improvement in file quality, given our findings on shortcomings (see Chapter 4) and the lack of progress made in joint performance management (Chapter 7 and below).
- 10.12 Partnership with the police has delivered successes; we have mentioned the effective handling of street crime cases and another was a very large drugs operation - Operation Moss.
- 10.13 The CPS, magistracy and the police have also collaborated - through the LCJB - in the joint appointment in February this year of a Case Progression Officer (CPO) in Somerset to help reduce ineffective trials. At present, the role is confined to four magistrates’ courts where, after pre-trial review, the completed form is forwarded to the CPO to pursue trial readiness about a fortnight before the trial is due, with both the defence (including unrepresented defendants) and prosecution. The pilot is unique - arising from the fact of one individual working across the agencies, but retaining their status as a legal advisor with the Magistrates’ Courts’ Service, and so is able to agree adjournments, vacate fixtures, grant witness summonses and refix hearings. The CPO’s independence ensures impartiality and secures the confidence of all. The CPS has shown its commitment to the process.

- 10.14 The pilot scheme is run on the basis of progressing cases with surnames A-M, with N-Z providing a loose control sample. It is to be evaluated after about six months and, although it is early days, the work being done has received favourable comment and the ineffective trial rate in the magistrates' courts has dropped.
- 10.15 We have mentioned the co-operation with the magistrates' courts regarding listing practices, and planning for the witness information unit.

Strengths

- * Commitment to working with other criminal justice agencies to improve the casework process.

Improving local CJS performance (CR4)

- 10.16 In general terms, it is clear that the CPS makes a good contribution to improving performance. The Anti-Social Behaviour Order specialist has conducted presentations to local defence practitioners and was to do the same for the magistrates, Youth Offending Teams and magistrates' courts' legal teams.
- 10.17 However, caveats were expressed to us about the contribution made by the CPS to the LCJB Training Committee. This was with recognition that, in the past, there has been insufficient use made of opportunities for joint training across the agencies. Examples are more comprehensive joint training on the JOPI and training on the new Sexual Offences Act 2003, which was extended to include the police, but could also have embraced the court clerks.
- 10.18 The LCJB has now appointed a Training Co-ordinator and it is hoped that this will improve joint participation for the future.
- 10.19 Despite a recommendation in the last report, there is still room for improvement in tackling file quality - the relatively low LCJB targets on joint performance management have not been met, and there seems little evidence of tangible improvement, with an almost cultural acceptance of this situation. The charging scheme may help to drive up performance, but this means a greater awareness and endeavour pre-charge to raise quality.
- 10.20 Case progression in the Crown Court lacks a holistic approach without a set progression structure; we have discussed the mixed efficacy of certificates of trial readiness and plea and directions hearings. This may be addressed under the establishment of Effective Trial Management, the planning of which is currently underway through the LCJB and in which the CPS is participating.

Aspects for improvement

- * Joint performance management of file quality.
- * Case progression in the Crown Court.

Information technology (P&R2)

- 10.21 The Local Implementation Team (LIT) led on the preparation for the new CMS IT system, which was installed in November 2003. This was well planned, but at the outset usage of the system was very low, particularly among lawyers. The Area appointed a dedicated B2 to provide support on IT issues, which has helped to improve the situation. Reviews of outstanding tasks and CMS utilisation reports have been carried out, and indicate that there is still a need to improve considerably the use of CMS - particularly in the CJUs - and this should receive continuing management attention. Typists and administrative staff tend to use the system best. The Area is diligent in informing CPS Headquarters of any system bugs/faults that they identify and is slowly increasing its awareness and use of the MIS reports available.
- 10.22 Co-location has not yet brought about the desired level of administrative savings. Staff are still having to update both police and CPS IT systems due to the lack of interface between them, which is a national issue. Pilots of the police NSPIS system are underway in Avon and Somerset, including at the Bath Pilot mentioned above, but as yet there is no interface with the CMS system – it is hoped that this will be achieved next year.
- 10.23 Secure e-mail is in use, but only to a very limited degree. Protocols have been drawn up with a wide range of agencies, but at the time of inspection were restricted to sending custody time limit applications to the court.
- 10.24 The Area uses a stand-alone DataEase application for a small range of tasks. Care needs to be taken to avoid over-reliance on this system, as it is not authorised CPS software and as such is not supported by the IT Helpdesk in case of problems.

Buildings, equipment and security (P&R3)

- 10.25 The Area has very good premises for both TUs. Some recent improvements have been achieved in the CJUs (located in police premises), although space is still quite limited and a small amount of ‘hot-desking’ may be required as staffing numbers increase. A big jump (25%) in staff satisfaction with the working environment was recorded in the latest Staff Survey.
- 10.26 Concerns over the tidiness of the Bristol TU have been addressed by re-invigorating the clear desk policy. The current premises in Taunton Police Station are not suitable for wheelchair access to the upper floors. Minor building maintenance work required in Bristol has been outstanding for some time.
- 10.27 The police are reviewing their accommodation strategy, which is likely to lead to relocation of the CJU in Bristol.

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

- 10.28 Relationships with CPS Headquarters and the Service Centre are generally satisfactory, although there have been minor upsets over delays in recruitment and building maintenance.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The Area has been responsive to the needs of external stakeholders when formulating policy and strategy – this is assisted by the strong involvement of senior CPS managers in LCJB activities and task groups. The Area has been pro-active in getting involved in many national pilots over the years and, as already mentioned, has just started planning for the No Witness No Justice (witness information units) and Effective Trial Management Programme initiatives.
- 11.2 A significant number of staff felt that CCPAG decisions have not always taken sufficient account of their needs, or have not been sufficiently well explained. This was particularly true of the decision to utilise only TU-based lawyers for charging in the north of the Area. We recognise the difficulties of utilising Glidewell structures to implement statutory charging - the present structure is based on the view that management control should be kept in one unit, but this has given rise to some practical and motivational difficulties in service delivery and communication, and consultation had not proved very successful. We do not consider these risks were sufficiently taken into account.
- 11.3 A significant number of staff feel that they are unable to influence local policy or implementation of national initiatives and consequently some have become disengaged. This is linked to the perception of a lack of openness discussed in Chapter 8.

RECOMMENDATION

The CCP ensures transparency and appropriate consultation across staff in strategic decision-making.

Review (P&S3)

- 11.4 Structures exist to enable review of major initiatives such as co-location and charging. Formal review work has been limited in the past, but is showing signs of improvement in more recent times, albeit this may have been more driven by changes to circumstances such as police reorganisation, than by a philosophy of regular structured reviews.
- 11.5 A review of progress against the Area Business Plan was being carried out at the time of the inspection, and it was intended to send the update to all staff by the end of September.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 A system is in place to ensure that complaints are logged, and quality and timeliness monitored. However, our examination of complaints suggests that there is room for improvement. Some of the logs were incomplete with regard to dates of replies and were missing some, and in one instance all, relevant accompanying papers or correspondence.
- 12.2 In half of the six complaints we reviewed before going on-site, the substantive replies were overdue, and in several we had concerns as to the clarity of the language used, or the adequacy of the response. Of those complaints that specifically concerned CPS actions, two were justified. We also noted several instances where there was no evidence of any learning points being promulgated as a result of the complaint.
- 12.3 Some of the complaints seen on-site concerned delay apparently stemming from the operation of the charging procedure and created room for division between the CPS and police in handling responses.

Aspects for improvement

- * Timeliness and quality of complaint correspondence and proper upkeep of logs.

Minority ethnic communities (CR5) and Community engagement (CR6 and SR1)

- 12.4 There is a clear strategic commitment in the Area to community engagement and to establishing links with minority ethnic communities. The Area collaborates with local agencies and community groups, and participates in a number of events such as theatre presentations, court open days, and work experience programmes. A broad range of staff are involved, with individual as well as corporate efforts.
- 12.5 The Area also responded rapidly to the publication of national guidelines on the prosecution of homophobic offending, with a well-received training programme for the South West region.
- 12.6 An issue remains with regard to the communication of casework decisions. We were told of concerns on a number of cases as to the degree of consultation with the victim before a charge was reduced or dropped, or as to the information supplied thereafter. Various agencies reported some difficulty in getting hold of individual decision-makers within the CPS, or in obtaining relevant information on particular cases.

Strengths

- * Commitment to community engagement.

Safeguarding children (CR7)

- 12.7 We have commented in Chapters 4 and 6 on generally sound case handling and witness care through use of Special Measures. The Area has designated child abuse specialists and there is ad hoc liaison in Taunton with Child Protection Teams as part of Speaking up for Justice. Either the CCP or the level D lead on children also attends the Area Child Protection Consortium meetings and the Area has previously made presentations and provided training to its members.

Media engagement (SR2)

- 12.8 The Area has a full-time Communications Officer who has contributed to the CPS having a higher profile with the various local media. There have also been a number of spokespeople appointed to take the lead on thematic issues in which they specialise, thus involving a wider spectrum of staff in media engagement. We consider this to be **good practice**. The Area also issues briefings, rather than responding reactively to enquiries from the media.

Public confidence (SR3)

- 12.9 Statistics held by the LCJB Co-ordinator indicate an increase in public confidence generally and present a relatively optimistic picture. However, this does not appear to be reflected internally. The figures for staff perceptions of how the Area was viewed by the public were noticeably less confident.
- 12.10 There were concerns expressed to us that the community served by the CPS does not have a clear understanding of the CPS's role and how it is different from that of the police.
- 12.11 We were told that the Area Champion for Anti-Social Behaviour Orders has made a significant contribution.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 The Area has shown considerable drive to attain LCJB and Public Service Agreement targets.
- 13.2 We have discussed in Chapter 11, the need for good internal communication about policy and strategy, and the same is true of the management's vision of the direction to be taken by the Area. This is particularly so when change, such as the introduction of statutory charging and the anticipated police devolution to districts, brings uncertainty with it.
- 13.3 We identified in our last report the need for the CCP and ABM to review their visiting arrangements to units and improve visibility and communication. That has been only partially achieved and continues to require management attention.

Staff recognition (L&G2)

- 13.4 The Area has not done well in the past in recognising the efforts of staff and this was emphasised by a poor satisfaction rating (14%) in the Staff Survey. Some improvement has been made in recent months with articles in the staff magazine formally recognising some individual and group performance levels.
- 13.5 At the time of the inspection morale levels were not high, particularly in the north of the Area. While recent changes will have contributed to dissatisfaction, other issues are more long-standing. Motivation levels were 13% lower than the national average in the recent Staff Survey and management will wish to address this. Nevertheless, the Area has achieved improvements in a number of aspects since the last inspection, as outlined earlier in this report, and taken on new challenges, by which staff may be encouraged.

Management structure (L&G3)

- 13.6 The senior management group (CCPAG) comprises the CCP, ABM and the three level E managers. The meetings are generally considered to be useful by participants, although they occasionally deal with issues that ought to be resolved at unit level. The more consistent provision of briefing papers and performance data in advance of the meetings would be beneficial.
- 13.7 CCPAG meetings are supported by Casework Advisory Group (CAG) and unit management meetings, below which are team meetings. This should provide a suitable infrastructure for ensuring good communication, but in reality this has not worked as well as it should. There is a perception that there is not a free flow of information through the communication structure (see also Chapters 8 and 11).
- 13.8 The Area would benefit from drawing up Terms of Reference governing the work of its management groups, with clear definitions of responsibilities and inter-relationships.

- 13.9 There are three level E managers supported by seven level D unit managers as well as two Special Casework lawyers and a (part-time) level D project manager. Many of the managers are new to the Area, or to the role they are currently fulfilling. Whilst they are directly engaged in the Casework Quality Assurance scheme and the advantages that brings, most of the level D unit managers have a lower level of management involvement and responsibility than normally found in CPS Areas. Some of the tasks undertaken by them, such as court rotas and work allocation might be properly assigned elsewhere, albeit supervised by the team leaders. They are not represented on CCPAG and this contributes to their lack of understanding and engagement in the vision and strategy of that Group as well as their ability to communicate it to their teams. We have commented on financial and performance management awareness in Chapters 7 and 8.
- 13.10 As these managers gain experience and responsibility, the CCP will wish to devolve more responsibility from the ABM appropriately.

RECOMMENDATION

The CCP should:

- * **design a framework for systematic identification and implementation of improvements in both casework and administrative processes;**
- * **draw up Terms of Reference governing the work of the management groups, with clear definition of responsibilities and inter-relationships;**
- * **enhance and increase the engagement and responsibilities of the level D managers in management.**

Organisational structure (L&G4)

- 13.11 The Area has two co-located CJUs at Taunton and Bristol, both in police premises. There are also two TUs, again in Taunton and Bristol, but both in CPS premises, although alongside some police staff, including their casework decision-makers (CDMs). The CJUs are divided into geographical teams and Bristol has a dedicated youth team.
- 13.12 Police staff have taken on some of the traditional administrative tasks of the CPS as part of co-location, but as previously mentioned, the introduction of CMS - which the police do not operate - has reduced the effectiveness of this.
- 13.13 As mentioned in Chapter 10, the police are proposing re-structuring which will have an impact on the CPS, including vacating some of the police accommodation at Bristol. This consideration of moving CDMs and file building units back to police divisions may affect co-location in its current form, and may also require re-thinking of the CPS's structure.
- 13.14 The Case Information Unit will be subject to change with the introduction of the witness information unit(s).

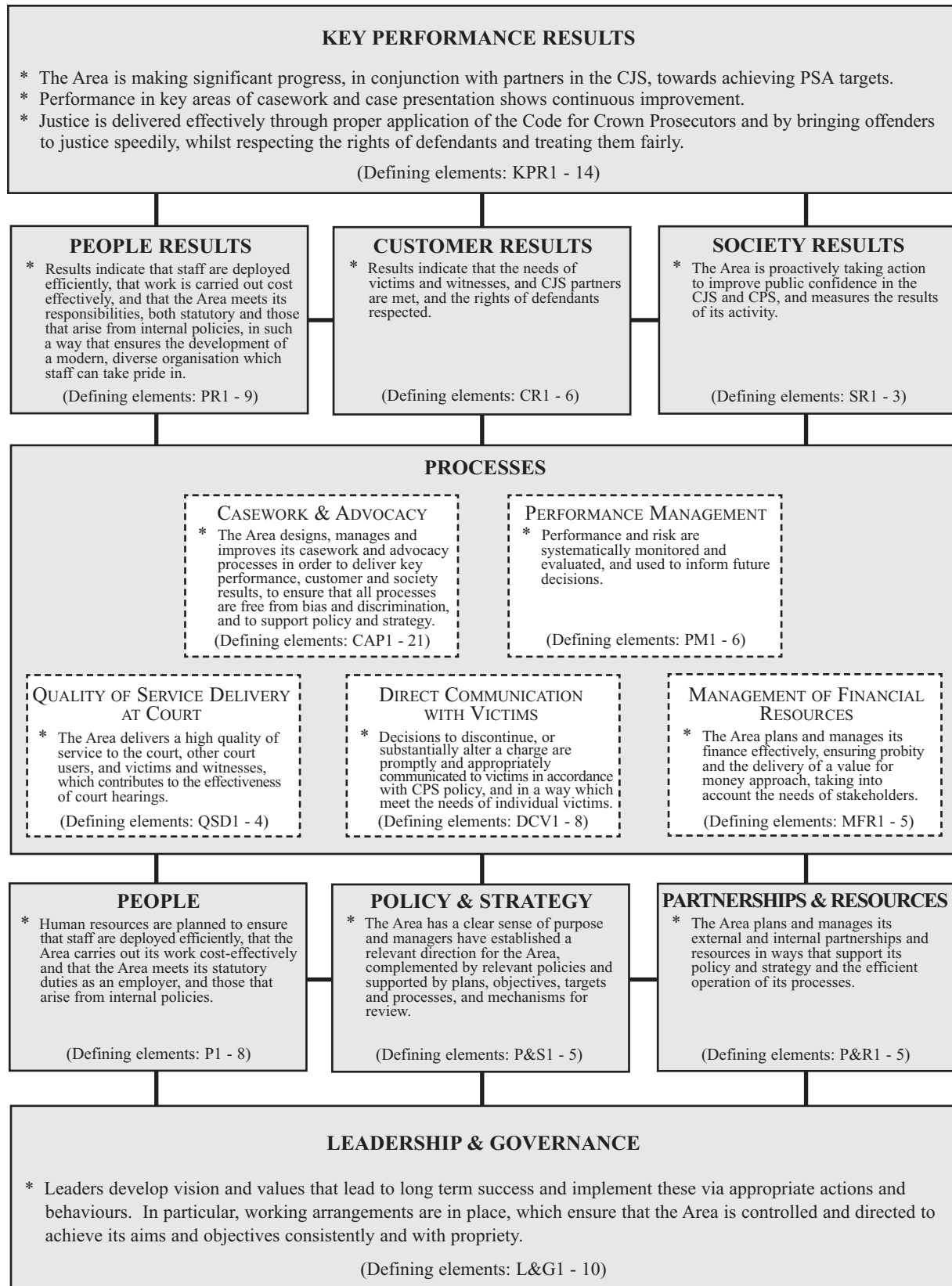
Action plans (L&G5)

- 13.15 The ABM has implemented a new business planning process which has offered staff across the Area the opportunity to participate in development of the Plan. This has been much appreciated by those involved. Staff were briefed via seven half-day sessions and they have all been provided with a synopsis of the final Plan in their personal development logs. A formal review of progress against the Plan was underway at the time of our visit.
- 13.16 The Plan has reasonable top-line objectives, all of which have lead responsibility allocated to a senior manager. It is less clear how some of the objectives will be achieved, as there is no more detail to support the high-level objective. There is also scope to improve the desired outcomes, which for some measures merely identify the measurement mechanism rather than the level of performance that is required.

Strengths

- * Involvement of a wide range of staff in formulating the Area Business Plan.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



KEY REQUIREMENTS AND INSPECTION STANDARDS

CASEWORK (Chapter 4)

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

Advice to police (CAP1)

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

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

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

Bail/custody applications (CAP3)

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

Discontinuances in magistrates' courts (CAP4)

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

Summary trial preparation (CAP5)

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

Committal and Crown Court case preparation (CAP6)

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

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

Disclosure of unused material (CAP7)

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

Sensitive cases (CAP8)

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

File/message handling (CAP9)

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

Custody time limits (CAP10)

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

Joint action to improve casework (CAP11)

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

National Probation Service and Youth Offending Teams (CAP12)

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

Youth cases (CAP13)

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

Appeal and committal for sentence processes (CAP14)

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

Appeals against unduly lenient sentences (CAP15)

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

Recording of case outcomes (CAP16)

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

Information on operational and legal issues (CAP17)

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

Readiness for court (CAP18)

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

Learning points (CAP21)

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

ADVOCACY AND QUALITY OF SERVICE DELIVERY (Chapter 5)

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

Advocacy standards and monitoring (CAP19)

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

Court endorsements (CAP20)

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

Court preparation (QSD1)

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

Attendance at court (QSD2)

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

Accommodation (QSD4)

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

VICTIMS AND WITNESSES (Chapter 6)

KEY REQUIREMENTS:

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

Witnesses at court (QSD3)

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

Direct Communication with Victims (CAP13)

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

Meetings with victims and relatives of victims (DCV5)

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

Victims' Charter (CR2)

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

PERFORMANCE MANAGEMENT (Chapter 7)

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

Performance standards (PM1)

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

Performance monitoring (PM2)

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

Joint performance management (PM3)

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

Risk management (PM4)

Standard: risk is kept under review and appropriately managed.

Continuous improvement (PM5)

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

Accounting for performance (PM6)

Standard: the Area is able to account for performance.

PEOPLE MANAGEMENT AND RESULTS (Chapter 8)

KEY REQUIREMENTS:

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

Human resource planning (P1)

Standard: human resource needs are systematically and continuously planned.

Staff structure (P2)

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

Staff development (P3)

Standard: staff capabilities are identified, sustained and developed.

Performance review (P4)

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

Management involvement (P5)

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

Good employment practice (P6)

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

Equality and diversity (P7)

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

Health and safety (P8)

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

MANAGEMENT OF FINANCIAL RESOURCES (Chapter 9)

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

Staff financial skills (MFR1)

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

Adherence to financial guidelines (MFR2)

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

Budgetary controls (MFR3)

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

Management of prosecution costs (MFR4)

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

Value for money approach (MFR5)

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

PARTNERSHIPS AND RESOURCES (Chapter 10)

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

CJS partnerships (P&R1)

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

CJS agencies (KPR8)

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

Improving local CJS performance (CR4)

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

Information technology (P&R2)

Standard: information technology is deployed and used effectively.

Buildings, equipment and security (P&R3)

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

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

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

POLICY AND STRATEGY (Chapter 11)

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

Stakeholders (P&S1)

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

Performance measurement (P&S2)

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

Review (P&S3)

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

Framework of key processes (P&S4)

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

Communication and implementation (P&S5)

Standard: policy and strategy are communicated and implemented.

PUBLIC CONFIDENCE (Chapter 12)

KEY REQUIREMENTS:

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

Complaints (CR1)

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

Minority ethnic communities (CR5)

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

Safeguarding children (CR7)

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

Community engagement (CR6)

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

Media engagement (SR2)

Standard: the Area engages with the media.

Public confidence (SR3)

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

LEADERSHIP AND GOVERNANCE (Chapter 13)

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

Vision and values (L&G1)

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

Staff recognition (L&G2)

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

Management structure (L&G3)

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

Organisational structure (L&G4)

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

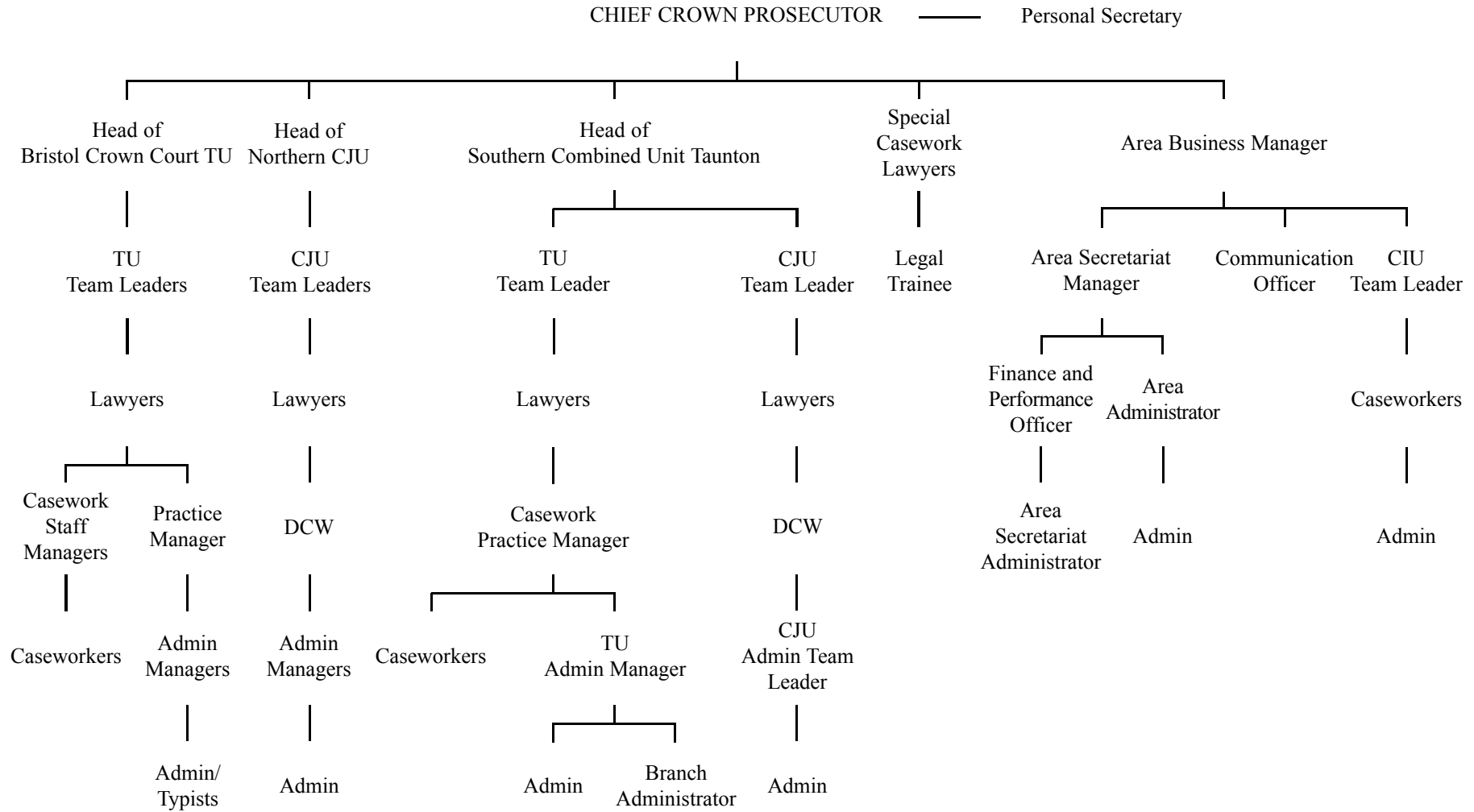
Action plans (L&G5)

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

Criminal justice system co-operation (L&G6)

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

CPS AVON & SOMERSET STAFF STRUCTURE



AREA CASELOAD FOR YEAR TO 30 JUNE 2004

Types of case - Magistrates' Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Pre-charge decision	1,631	3.9	42,682	2.6
Advice	5,798	14.0	213,334	13.1
Summary	24,608	59.6	843,668	51.8
Either way and indictable	9,115	22.1	511,636	31.4
Other proceedings	167	0.4	17,305	1.1
Total	41,319	100	1,628,625	100
Completed cases - Magistrates' Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Discontinuances and Bind-overs	4,066	12.5	169,561	13.4
Warrants	2,973	9.2	69,785	5.5
Dismissed no case to answer	33	0.1	3,672	0.3
Acquittals after trial	505	1.6	16,248	1.3
Discharged	2	0.0	2,979	0.2
Total Unsuccessful Outcomes	7,579	23.4	262,245	20.7
Convictions	24,836	76.6	1,005,379	79.3
Total	32,415	100	1,267,624	100
Case results - Magistrates' Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Guilty pleas	17,833	70.3	788,881	76.9
Proofs in absence	5,811	22.9	160,943	15.7
Convictions after trial	1,192	4.7	55,555	5.4
Acquittals after trial	505	2.0	16,248	1.6
Acquittals: no case to answer	33	0.1	3,672	0.4
Total	25,374	100	1,025,299	100
Types of case - Crown Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Indictable only	923	25.2	39,284	31.0
Either way: defence election	528	14.4	10,972	8.6
Either way: magistrates' direction	1,068	29.1	44,386	35.0
Summary: appeals; committals for sentence	1,148	31.3	32,241	25.4
Total	3,667	100	126,883	100
Completed cases - Crown Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Judge ordered acquittals and Bind-overs	371	14.2	14,281	14.7
Warrants	18	0.7	2,104	2.2
Judge directed acquittals	50	1.9	1,670	1.7
Acquittals after trial	173	6.6	6,435	6.6
Total Unsuccessful Outcomes	612	23.5	24,490	25.2
Convictions	1,997	76.5	72,763	74.8
Total	2,609	100	97,253	100
Case results - Crown Court	CPS Avon & Somerset		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,712	77.1	59,371	73.4
Convictions after trial	285	12.8	13,392	16.6
Acquittals after trial	173	7.8	6,435	8.0
Judge directed acquittals	50	2.3	1,670	2.1
Total	2,220	100	80,868	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS AVON & SOMERSET		
	September 2004	May 2002
Lawyers in post (excluding CCP)	77.8	57.2
Cases per lawyer (excluding CCP) per year	531.1	552.3
Magistrates' courts contested trials per lawyer (excluding CCP)	22.2	26.1
Committals for trial and "sent" cases per lawyer (excluding CCP)	20.5	43.3
Crown Court contested trials per lawyer (excluding CCP)	6.5	6.7
Level B1, B2, B3 caseworkers in post	48.4	44.7
Committals for trial and "sent" cases per caseworker	33	55.4
Crown Court contested trials per caseworker	10.5	8.6
Running costs (non ring fenced)	£5,926,939	£5,193,600

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

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

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R1	Heads of Unit to ensure that advice is provided to the police within 14 days (in all save the most substantial cases).	New advice/allocation system based around statutory charging to be drafted by 31.7.04 and placed before the next meeting of Casework Advisory Group, which takes place after the inspection period.
R2	Heads of Unit to ensure that informal advice is properly recorded and subsequent files appropriately allocated.	Subsumed within the Protocol with the police for the referral of cases pre-charge and submission of files post-advice with accompanying allocation systems.
R3	Formal assurance systems of casework review are applied consistently by Heads of Unit and supported in the performance appraisal system.	Largely achieved: CQA systems are implemented and applied by responsible managers, albeit there is some inconsistency in application and understanding of its relationship with the pre-existing Management Checks Framework Document.
R4	Prosecutors select the appropriate charge at the earliest opportunity and address the mode of trial guidelines correctly, and that training is provided to assist in this.	Partially achieved; CQA checks are in place and new Code training for new lawyers is in the Action Plan for Autumn 2004. See Chapter 3 for Key Performance Results findings on the file sample.
R5	Heads of Units ensure that full effect is given to the Management Checks Framework Document and File Endorsement Standard in relation to discontinuance and reflects their requirements in the appraisal system.	Achieved: CQA checks are in place and file endorsement standards show general improvement.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R6	<p>The CCP works with the other CJS agencies to ensure reduced delay in dealing with PYOs by effecting in particular:</p> <ul style="list-style-type: none"> i) a coherent, accurate and unified approach to data collection and analysis; and ii) a unified approach to case progression, both within the CPS and police located units, and other CJS agencies, through case progression groups. 	Achieved; taken up within the LCJB and processes tightened for building youth court files between the CPS and police to ensure timely progress (see Chapter 4).
R7	<p>Heads of Units ensure that effective review and monitoring is in place for child abuse cases.</p>	Largely achieved; cases are monitored within CQA and specialists are in place. Thematic review of the quality of child abuse prosecutions to take place in October.
R8	<p>The ABM reviews the roles of the Case Progression Officers and the monitoring and data collection systems for all sensitive cases.</p>	Partially achieved; systems are in place to collect data re: capturing of cases. There are no Case Progression Officers as such; the Action Plan shows forthcoming work on using the ICMS for monitoring progression and ETMP will look at the case progression role.
R9	<p>The Area agrees with the police a standard file format and layout to be used by all staff including, where appropriate, the discrete retention of certain documentation, for example unused material.</p>	Largely achieved; file housekeeping has improved and is more standardised.
R10	<p>The Area evaluates the working of the single file system in conjunction with the police.</p>	Partially achieved in that some variations have been agreed in order to assist case progress e.g. with youth cases. Still to be considered in respect of the TU at Bristol.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R11	The Casework Advisory Group reconsiders the report on handling unused material prepared by the SCL and police, and undertakes appropriate joint training with the police.	Partially achieved; training was delivered on the revised JOPI, but with limited uptake by the police. There is some delay in full implementation by police (see Chapter 4).
R12	The CCP continues to work with other criminal justice agencies and takes action to reduce cases in which the prosecution is responsible for causing cracked or ineffective trials in both the magistrates' courts and the Crown Court.	Largely achieved; there is ongoing work both internally and with other agencies, which is showing consistently positive results in the magistrates' and Crown Court.
R13	The CCP and ABM review the role of caseworkers in relation to committal preparation to ensure that the use of resources is consistent and effective across the Area.	Partially achieved; guidance has been prepared and some minor cases are prepared for committal by caseworkers; further training and committal objectives are set for Bristol.
R14	There is early committal case allocation by the Bristol TU team leaders to ensure file ownership and case management.	Achieved; the level D Unit Head allocates and charts work allocated.
R15	The CCP and ABM agree with the police: <ul style="list-style-type: none"> * a programme of measures to improve file timeliness; and * nominate senior officers for each agency to carry through the measures agreed. 	Partially achieved; targets agreed e.g. as to return rate, but implementation by both agencies is inconsistent. Revision of the system is under consideration in light of devolution proposals.
R16	The CCP and Heads of Unit monitor the quality of instructions to counsel.	Very limited achievement; inasmuch as case may fall in the CQA system, but quality still needs improvement (see Chapter 4).
R17	The CCP and Heads of TUs institute procedures for more effective checking of indictments.	Very limited achievement; inasmuch as case may fall in CQA check. Otherwise reliance is on use of ICMS re: standard of indictments (see Chapter 4).

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R18	The system of court coverage by caseworkers is reviewed to promote continuity and case ownership.	Partially achieved; Action Plan shows review of attendance to have occurred, but court observations and interviews indicate standard is inconsistent (see Chapter 5).
R19	The CCP determines and implements a standard for the preparation and presentation of appeals in the Crown Court.	Not achieved; it is planned to produce a draft standard by the end of July 2004.
R20	CTL systems are urgently reviewed in accordance with MAS guidelines and are standardised wherever possible.	Not achieved; Area Champion appointed and training given, but see Chapter 4 for CTL failures.
R21	The CCP and ABM review their arrangements for visiting Bristol CJU and the Taunton offices to improve visibility and communication.	Partially achieved; the ABM regularly visits, the CCP occasionally.
R22	The ABM engages staff in the business planning process and produces a Business Plan which: <ul style="list-style-type: none"> * is regularly reviewed; * is linked to essential elements such as training, external liaison and budget, and individual project plans for any new business undertaken; * incorporates action plans that include assigned responsibilities and timescales; and * incorporates a communication strategy to disseminate the Plan to all staff and external CJS partners. 	Largely achieved (see Chapter 13 re: staff engagement in business planning).
R23	The ABM reviews the role of the Area Secretariat by conducting a scoping exercise to determine its role and the staff skills and numbers needed for that business.	Achieved inasmuch as a review led to the appointment of a B2 manager and Communications Officer.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2004
R24	The CCP and ABM review the Glidewell project and set out its detailed objectives in a formal project plan with assignment of responsibilities and timescales.	Not achieved; overtaken by the roll-out of shadow and then statutory charging. Now considering devolution to districts under another project board.
R25	The ABM reviews the current financial control and reporting systems to ensure that all work is fully costed and budgets set and monitored.	Partially achieved; new systems have been introduced by current ABM, but there has been misuse of account 3010 and there is projected budget overspend (see Chapter 9).
R26	The ABM reviews the communication strategy to ensure that it is comprehensive, co-ordinated and monitored.	Partially achieved; a 2003-04 strategy is in place and Communications Officer has been appointed, but see Chapters 8 and 13 for effectiveness.
R27	The ABM: <ul style="list-style-type: none"> * reviews the current systems for identifying cases relevant to the CIU and analyses the timeliness of processing, accuracy of records and quality of correspondence; * liaises with the police with a view to agreeing a protocol for providing a co-ordinated response to complaints; and * considers the viability of operating two smaller units sited at Bristol and Taunton. 	Partially achieved; the Action Plan shows a review was undertaken in 2002, but is now subsumed within LCJB plans to develop the No Witness No Justice project and the establishment of a Witness Care Unit. Issues remain in relation to identification and the quality of letters (see Chapter 6).
R28	Heads of Unit: <ul style="list-style-type: none"> * ensure that specified offences are not included in PIs; * adopt a spreadsheet that includes basic case details; and * review systems for data collation and analysis so that information received is both accurate and timely. 	Partially achieved; issues over accuracy, collation and management awareness remain (see Chapters 4 and 7).

	SUGGESTIONS	POSITION IN SEPTEMBER 2004
S1	The CCP plans a cohesive system to ensure learning from experience is shared with the police on an Area-wide basis.	Not achieved; is the subject of an aspect for improvement in this report (see Chapter 4).
S2	The CCPAG reviews the case management systems in place across the Area to identify and implement good practice.	Partially achieved; office procedures are still in need of improvement (see Chapter 4) and on the list of matters requiring management attention.
S3	The CCP works with the SCL to further develop the role in improving casework.	Not yet achieved; one SCL is to embark on a child abuse casework review in October.
S4	CCPAG considers delegating some CJS liaison activities to staff, particularly team leaders.	Limited achievement, e.g. Court User Groups; see Recommendation in Chapter 13 re: the need to develop the level Ds' role.
S5	The CCP reviews the roles and responsibilities of the level E and D managers to ensure greater clarity and optimum deployment between the two levels.	Limited achievement; there is clarity in Taunton where there are now distinct level D and E positions, and a defined meeting structure, but see also Chapter 8.
S6	Area line managers: <ul style="list-style-type: none"> * conduct performance reviews for all staff; * use the system more actively as a performance improvement tool for individuals; * provide induction and on-the-job training; and * set objectives for new staff as early as reasonably possible. 	Largely achieved; attempts to deal with sensitive performance issues are now a strength, but there is still a need to individualise training (see Chapter 8).
S7	The CCP ensures that complaints are properly analysed with a view to identifying any practices or procedures that need to be improved within the Area.	Not achieved; more work is needed on the logs and quality of replies to complaints (see Chapter 12).

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS AVON AND SOMERSET**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	6
No case to answer	4
Trials	19
Discontinued cases	29
Race crime	(9)
Domestic violence cases	(16)
Youth trials	7
Cracked trials	6
Ineffective trials	4
Cases subject to custody time limits	7
Crown Court cases/TU:	
Advice	6
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	31
Judge directed acquittals	7
Trials	41
Child abuse cases	(17)
Race crime	(6)
Cracked trials	11
Ineffective trials	4
Rape cases	(5)
Street crime cases	(9)
Cases subject to custody time limits	5
TOTAL	187

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

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

Crown Court

His Honour Judge Crowther, Bristol Crown Court
His Honour Judge Hume Jones, Taunton Crown Court
Ms D Starkey, Crown Court Manager, Bristol Crown Court
Mrs S Vickery, Crown Court Manager, Taunton Crown Court
Mr N Northeast, Listing Officer, Bristol Crown Court

Magistrates' Courts

District Judge Parsons, Bristol Magistrates' Court
Mr E Lewis JP, Chairman of Magistrates' Courts' Committee
Mr M Dodden JP, Chairman of Bench, Sedgemoor Magistrates' Court
Mr N Bernard JP, Chairman of Bench, South Somerset Magistrates' Court
Mr J Price JP, Chairman of Bench, Bath Magistrates' Court
Mr J Williams JP, Chairman of Bench, North Somerset Magistrates' Court
Mr D Hawes JP, Chairman of the Bench, Mendip Magistrates' Court
Mr C Edwards JP, Chairman of the Mendip Youth Panel
Mr D Hindley JP, Chairman of the South Somerset Youth Panel
Mr J Kane JP, Chairman of the North Somerset Youth Panel
Mrs J Kemp JP, Chairman of the Bristol Youth Panel
Mr C Kettle JP, Chairman of the Sedgemoor Youth Panel
Mr J White JP, Chairman of the Taunton Deane & West Somerset Youth Panel
Mr B Buckhurst, Justices' Chief Executive, Somerset
Mr T Moore, Clerk to the Justices, Taunton
Mr D Speed, Clerk to the Justices, Bristol

Police

Mr S Pilkington QPM, Chief Constable
Chief Superintendent C Gould
Chief Superintendent D Hayler Banes
Chief Superintendent M Hems
Chief Superintendent J Snell
Chief Inspector J Moss
Chief Inspector J Harris
Inspector V Jeffery
Detective Sergeant S Knight
Mrs J Trott

Defence Solicitors

Mr D Campbell
Mr D Bird
Mr O Strickland
Mr N Foster

Counsel

Mr M Berkley
Mr I Dixey
Mr M Horton
Mr V Stanniland
Mrs L Matthews
Mr M Meeke QC
Mr A Palmer QC
Mr I Pringle QC
Mr B Moorhouse
Mr N Fryer
Miss J Tallentire

Probation Service

Mrs J Whitford, Chief Probation Officer
Mrs S Hull

Witness Service

Ms K Read
Ms G Tyrrell
Mr I Lock

Victim Support

Mrs S Hill
Mr R Kent

Youth Offending Teams

Ms L Barnett
Mr P Burton
Mr C Wilkinson
Mr S Waters

Community Groups

Ms H Banks
Ms C Dalphinis-King
Ms J Ross
Ms L Khandker

Dr S Das
Ms I Shepherd
Dr M Halls
Mr P Roberts

Local Criminal Justice Board

Mr T Skilton
Mr P Jelley

Members of Parliament

Ms V Davey MP
Dr L Fox MP

Other Members of Parliament with constituencies in Avon and Somerset were invited to contribute.

HMCPST VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA MANAGEMENT TEAM (AMT)	The senior legal and non-legal managers of an Area
ASPECT FOR IMPROVEMENT	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
CASEWORKER	A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate
CHARGING SCHEME	The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. Shadow charging arrangements are in place in Areas; and the statutory scheme will have a phased roll out across priority Areas and subsequently all 42 Areas
CHIEF CROWN PROSECUTOR (CCP)	One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to Director of Public Prosecutions for the performance of the Area
CODE FOR CROWN PROSECUTORS (THE CODE)	The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report

COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
CPS DIRECT	This is a scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the Charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is presently available to priority Areas and the intention is to expand the scheme to cover all Areas
CRACKED TRIAL	A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence
CRIMINAL CASE MANAGEMENT FRAMEWORK	The Framework provides practitioners with a consistent guide to their own, and their partners'; roles and responsibilities, together with operational guidance on case management
CRIMINAL JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
CUSTODY TIME LIMITS (CTLs)	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated

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

LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
NARROWING THE JUSTICE GAP (NJG)	It is a Government Criminal Justice Public Service Agreement target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter. The difference between these offences and the overall number of recorded offences is known as the justice gap
NO CASE TO ANSWER (NCTA)	Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer
“NO WITNESS: NO JUSTICE” (NWNJ): VICTIM AND WITNESS CARE PROJECT	This is a project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units will be introduced into all Areas by December 2005
PERSISTENT YOUNG OFFENDER	A youth previously sentenced on at least three occasions
PRE-TRIAL REVIEW	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues
PROCEEDS OF CRIME ACT 2002 (POCA)	This Act contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals
PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority

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