

**THE INSPECTORATE'S REPORT
ON
CPS DEVON AND CORNWALL**

REPORT 15/04

SEPTEMBER 2004

CPS DEVON AND CORNWALL



AREA OFFICE

Exeter

OTHER OFFICES

Exeter, Plymouth, Truro

MAGISTRATES' COURTS

Barnstaple, Bodmin, Cullompton, Dunheved & Stratton
East Penwith, Exeter, Isles of Scilly, Launceston, Newtown Abbot
Penwith, Plymouth, Totnes, Torbay, Truro

CROWN COURT

Barnstaple, Exeter, Plymouth, Truro

CONTENTS

	PAGE
PREFACE	
1 INTRODUCTION	1
2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS	4
Overview	4
Key performance results	4
Casework	5
Advocacy and quality of service delivery	5
Victims and witnesses	6
Performance management	6
People management and results	6
Management of financial resources	6
Partnerships and resources	6
Policy and strategy	7
Leadership and governance	7
Bringing offenders to justice	7
Reducing ineffective trials	7
Improving public confidence	7
Value for money	7
Equality and diversity issues	7
Recommendations	8
3 KEY PERFORMANCE RESULTS	9
Commentary	12
<i>Advice to police</i>	12
<i>Quality of decision-making</i>	12
<i>Continuing review</i>	12
<i>Discontinuance</i>	12
<i>Discharged committals</i>	12
<i>Level of charge</i>	13
<i>Ineffective trials</i>	13
<i>Persistent young offenders</i>	13
<i>Persistent offenders</i>	13
<i>Sensitive cases</i>	13
<i>Adverse outcomes</i>	13
<i>Narrowing the justice gap</i>	14
<i>Disclosure</i>	14
4 CASEWORK	15
Advice to police (CAP1)	15
Cases ready to proceed at first date of hearing (CAP2)	15
Bail/custody applications (CAP3)	16
Discontinuances in magistrates' courts (CAP4)	16
Summary trial preparation (CAP5)	16
Committal and Crown Court case preparation (CAP6)	17
Disclosure of unused material (CAP7)	18
Sensitive cases (CAP8)	19
Youth cases (CAP13)	20

	File/message handling (CAP9)	20
	Custody time limits (CAP10)	20
	National Probation Service and Youth Offending Teams (CAP12)	21
	Appeal and committal for sentence processes (CAP14)	22
	Appeals against unduly lenient sentences (CAP15)	22
	Recording of case outcomes (CAP16)	22
	Information on operational and legal issues (CAP17)	22
	Readiness for court (CAP18)	23
	Learning points (CAP21)	23
5	ADVOCACY AND QUALITY OF SERVICE DELIVERY	24
	Advocacy standards and monitoring (CAP19)	24
	Court endorsements (CAP20)	24
	Court preparation (QSD1)	25
	Attendance at court (QSD2)	25
	Accommodation (QSD4)	25
6	VICTIMS AND WITNESSES	26
	Witnesses at court (QSD3)	26
	Direct communication with victims (CAP13)	26
	Meetings with victims and relatives of victims (DCV5)	26
	Victims' Charter (CR2)	26
7	PERFORMANCE MANAGEMENT	28
	Performance standards (PM1)	28
	Performance monitoring (PM2)	28
	Joint performance management (PM3)	29
	Risk management (PM4)	29
	Continuous improvement (PM5)	30
	Accounting for performance (PM6)	30
8	PEOPLE MANAGEMENT AND RESULTS	31
	Human resource planning (P1)	31
	Staff structure (P2)	31
	Staff development (P3)	32
	Performance review (P4)	32
	Management involvement (P5)	33
	Good employment practice (P6)	33
	Equality and diversity (P7)	34
	Health and safety (P8)	34
9	MANAGEMENT OF FINANCIAL RESOURCES	35
	Staff financial skills (MFR1)	35
	Adherence to financial guidelines (MFR2)	35
	Budgetary controls (MFR3)	35
	Management of prosecution costs (MFR4)	35
	Value for money approach (MFR5)	36

10	PARTNERSHIPS AND RESOURCES	37
	CJS partnerships (P&R1)	37
	Improving local CJS performance (CR4)	38
	Information technology (P&R2)	38
	Buildings, equipment and security (P&R3)	39
	Partnership with Headquarters and the Service Centre (P&R4)	39
11	POLICY AND STRATEGY	40
	Stakeholders (P&S1)	40
	Performance measurement (P&S2)	40
	Review (P&S3)	40
	Framework of key processes (P&S4)	40
12	PUBLIC CONFIDENCE	41
	Complaints (CR1)	41
	Minority ethnic communities (CR5)	41
	Safeguarding children (CR7)	41
	Community engagement (CR6 and SR1)	41
	Media engagement (SR2)	41
	Public confidence (SR3)	41
13	LEADERSHIP AND GOVERNANCE	42
	Vision and values (L&G1)	42
	Staff recognition (L&G2)	42
	Management structure (L&G3)	42
	Organisational structure (L&G4)	43
	Action plans (L&G5)	43
	Criminal justice system co-operation (L&G6)	43
ANNEX 1	Business Excellence Model Inspection Map	
ANNEX 1A	Key requirements and inspection standards	
ANNEX 2	Area organisational chart to show structure and staff numbers	
ANNEX 3	Area caseload figures	
ANNEX 4	Resources and caseloads	
ANNEX 5	Implementation of recommendations and suggestions from report published June 2002	
ANNEX 6	Files examined for CPS Devon and Cornwall	
ANNEX 7	List of local representatives who assisted in the inspection	
ANNEX 8	HMCPSI Vision, Mission and Values	
ANNEX 9	Glossary	

PREFACE

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

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

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

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

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

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

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

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

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

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first 21 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 Devon and Cornwall (the Area). It serves the same area as Devon and Cornwall Constabulary. There are three offices at Exeter, Plymouth and Truro. The Area Headquarters (Secretariat) is based at the Exeter office.
- 1.2 Area business is divided at each office on functional lines between magistrates' courts and Crown Court work. The Magistrates' Courts Units (MCUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. The Crown Court Units (CCUs) review and handle cases dealt with in the Crown Court.
- 1.3 In March 2004, the Area employed the equivalent of 117 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM), level E Casework Manager and the full-time equivalent of three other staff. Details of staffing of the units is set out below:

Grade	Exeter TU	Exeter CJU	Exeter BMU	Plymouth TU
Level E	-	-	-	-
Level D	1	1	-	1
Level C lawyers	4.8	13.2	-	3
Level B2 caseworkers	-	1	1	-
Level B1 caseworkers	7.8	1	1	6
Level A caseworkers	1	5.2	4.8	1
TOTAL	14.6	21.4	6.8	11

Grade	Plymouth CJU	Plymouth BMU	Truro TU	Truro CJU	Truro BMU
Level E	-	-	-	-	-
Level D	2	-	1	1	-
Level C lawyers	7.6	-	4	9	-
Level B2 caseworkers	0.6	1	0	0.7	1
Level B1 caseworkers	1	1	5	0.6	1
Level A caseworkers	7.1	3.6	1	6	3
TOTAL	18.3	5.6	11	17.3	5

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

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	3,627	12	12.4
Summary motoring	4,086	13.6	17.4
Other summary	12,151	40.3	35.8
Either way and indictable only	10,228	33.9	33.4
Other proceedings	54	0.2	1.1
TOTAL	30,146	100%	100%

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

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	484	21.4	31.7
Either way offences	1,043	46.2	43.4
Appeals against conviction or sentence	258	11.4	9
Committals for sentence	474	21	15.9
TOTAL	2,259	100%	100%

1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Devon and Cornwall (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker. However, the Area is currently facing a reduction in running costs from £4,944,000 in 2003-4 to £4,757,000 for the current year 2004-5. We deal with this further at paragraphs 9.5 and 9.6.

The report, methodology and nature of the inspection

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

- 1.8 There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects that indicate required attention resulting from a risk assessment against the key elements of the inspection framework and the key performance results. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.
- 1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Devon and Cornwall also drew on findings from the previous inspection of the Area, a report of which was published in June 2002. As a result of this risk assessment, it was determined that the inspection of CPS Devon and Cornwall should be a full one.
- 1.10 Our previous report made a total of 21 recommendations and nine suggestions, as well as identifying two aspects of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.
- 1.11 Our methodology combined examination of 165 cases finalised between December 2003 - February 2004, 13 custody time limit cases whilst on-site, 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.
- 1.12 Inspectors visited the Area between 10 - 24 May 2004. The lay inspector for this inspection was Michael Gray, who was nominated by the Witness Service. The role of the lay inspector is described in the Preface. The lay inspector examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He 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.
- 1.13 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

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

Overview

- 2.2 The Area decision-making, review and preparation of casework is, in most respects, very sound in relation to both magistrates' courts and Crown Court work. However, compliance with national operational instructions on the handling of unused material was a weakness and needs to be improved. It also needs to review its handling of custody time limit cases to ensure there are consistently high standards throughout the Area.
- 2.3 Area advocates in the magistrates' courts and the Crown Court are generally competent or better. The Area has been pro-active in deploying Higher Court Advocates in the Crown Court.
- 2.4 Senior managers play a full role in the local criminal justice system and partnerships are generally strong. Systems are in place for joint performance management of police file quality and timeliness, and cracked and ineffective trials, in both magistrates' courts and the Crown Court. However, progress towards co-location with the police has been very slow and has still not been achieved. The implementation of the shadow pre-charge advice scheme has also been problematic and has not been well managed by the Area.
- 2.5 The Area complies with CPS corporate employment policies. It has sought to address issues around sickness absence (through the introduction of an outside consultant) and most staff in the Area recognise the Service as a good employer.
- 2.6 Planning, project management and performance management need to improve if the Area is to make best use of its resources. It would also benefit from reviewing its meetings commitments to ensure they represent value for money.

Key performance results

- 2.7 Area casework outcomes are better than the CPS national averages in all respects, except for magistrates' courts acquittals. The Local Criminal Justice Board (LCJB) performance in relation to cracked and ineffective trials is significantly better than the national average in both the magistrates' and Crown Court. The Area has played a full part in this.
- 2.8 The timeliness with which persistent young offenders (PYOs) are dealt with has been consistently within target since the last inspection in March 2002. The outturn for the period December 2003 – February 2004 is 55 days compared to a national average of 68 days and a target of 71 days.

Casework

- 2.9 The timeliness and fullness of the advices within the file sample was good, but the quality of the advice remained variable, as it had been at the time of the last inspection.
- 2.10 The quality of decision-making after charge was sound. The Code for Crown Prosecutors' principles were applied appropriately at the key stages of first review, summary trial, and committal/service of prosecution papers review. At each stage Area performance was better than the inspection cycle-to-date average.
- 2.11 The preparation for summary trials was generally timely and additional evidence was requested in 91.7% of relevant cases (inspection cycle-to-date average is 70.9%). The service of committal papers or the prosecution papers in "sent" cases is also timely, and additional information was requested in the majority of relevant cases – 77.4% compared to an inspection cycle-to-date average of 80.3%.
- 2.12 Discontinuances are generally timely and well handled. The application of the Code test was significantly better than the inspection cycle-to-date average, although we comment below on issues arising from the discontinuance of domestic violence cases.
- 2.13 Cases were dealt with at the correct level of charge in 77 out of 78 (98.7%) relevant cases in the sample. Out of 16 cases where the original police charges needed to be amended in the magistrates' courts, 15 (93.75%) were amended in a timely manner.
- 2.14 The Area has a comprehensive protocol with the Probation Service over the provision of pre-sentence information by the Area, but it needs to work with the Probation Service to maintain appropriate records and ensure full compliance with the protocol.
- 2.15 CPS policy guidance on the handling of child abuse and racism incidents is being correctly applied, and review and case preparation is generally sound.
- 2.16 The Area has done much to promulgate good practice on domestic violence and the overall standard and timeliness of decision-making is sound. CPS policy is generally applied, although there remained some weakness in the handling of victim withdrawals.
- 2.17 Although the Area has carried out training on the revised Joint Operational Instructions (JOPI) for handling unused material, weaknesses remain in the handling of disclosure in accordance with those Instructions and the Criminal Procedure and Investigations Act 1996.

Advocacy and quality of service delivery

- 2.18 The standard of in-house advocacy is fully satisfactory. The Area has a high agent usage in the magistrates' courts, and provides appropriate induction and monitoring for new agents.
- 2.19 Performance of counsel in the Crown Court is variable, and the Area should be more consistent in its monitoring and selection of them.
- 2.20 The delivery of files to court and the preparation and attendance of advocates are all satisfactory. However, court hearing endorsements need to be improved.

Victims and witnesses

- 2.21 Witness care at court is generally good. Appropriate use is made of Special Measures for giving evidence, and there is phasing of witness attendance in the Crown Court. Full use is made of procedures to avoid witness attendance in the magistrates' courts. The Area has recognised there is scope to introduce regular phasing of witness attendance in the magistrates' courts as part of the "No Witness, No Justice" initiative.
- 2.22 The Area has implemented Direct Communication with Victims to explain reasons for dropping or reducing charges. The quality of letters is generally good, although not all cases falling within the scheme are identified and action taken.

Performance management

- 2.23 There is a firm foundation on which to build a more effective performance management system. However, the existing system needs to be strengthened to bring a better focus to the performance of each office over the full range of casework and management issues, including resources and current projects.
- 2.24 Joint performance management with the police and the courts is well established and generally effective.

People management and results

- 2.25 The Area complies with CPS corporate employment policies. Work has been done to successfully address the poor state of the accommodation at the Truro office. Current training needs in relation to initiatives, both legal and operational, are being largely met. However, the Area would benefit from a Training Plan to help focus resources in future.
- 2.26 The Area has taken steps to address sickness issues. There is a good quarterly Area newsletter, but otherwise communication within the offices is variable and should be reviewed.

Management of financial resources

- 2.27 The Area has sound systems for projecting and controlling expenditure. The graduated fee scheme for payment of counsel is working well. Financial guidelines are now being adhered to.

Partnerships and resources

- 2.28 Partnerships within the local CJS are generally strong. The Area is seen as committed to delivering good quality casework. However, delays in delivering co-location, and the difficulties around the implementation of shadow pre-charge advice, have raised doubts over the ability and drive within the Area to deliver major change.

Policy and strategy

- 2.29 The planning for, and the implementation and evaluation of, the shadow pre-charge advice scheme could have been more effective. However, the Area has only a limited capacity to develop and deliver policy changes on its own. It needs to ensure it is making the best use of all its available resources.

Leadership and governance

- 2.30 The Area has a cohesive and supportive senior management team. The CCP has a clear vision for the Area and provides strong leadership.
- 2.31 The Area is taking part in an internal change programme at one of the offices. It will be challenging for all involved, and if successful could provide a blue print for the other two offices.

Bringing offenders to justice

- 2.32 The (LCJB) is exceeding its target for bringing offences to justice. The CPS is contributing to this by its low discontinuance and judge ordered acquittal rates.

Reducing ineffective trials

- 2.33 The LCJB has been very effective in reducing ineffective trials in both the magistrates' courts and the Crown Court and the CPS has played a full part in this.
- 2.34 Although the LCJB has failed to achieve its target of a 17% rate in the magistrates' courts for the year 2003-4, the final out turn of 19.7% for 2003-04 represents a significant achievement.
- 2.35 Performance in the Crown Court is very good: the LCJB achieved its target of a 14% ineffective trial rate for 2003-04 with a final outcome of 12.4%. This compares favourably to a national average of 20.7%.

Improving public confidence

- 2.36 An Action Plan to raise public confidence has been developed by the LCJB. The Area has played a full part in preparing the Plan, which recognises the importance of witness care at every stage of the criminal process.

Value for money

- 2.37 The numbers of lawyers and caseworkers have increased significantly since the last inspection. Agent usage in the magistrates' courts has also risen. At the same time there has been a marked improvement in most casework outcomes.

Equality and diversity issues

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

Recommendations

- 2.39 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.
- 2.40 We have made five recommendations to help improve the Area's performance.
1. The Area ensures that each unit fully complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:
 - * Disclosure decisions are not taken on the basis of inadequate disclosure schedules;
 - * The disclosure tests under the Criminal Procedure and Investigation Act 1996 are applied after proper consideration of the material; and
 - * Disclosure decisions are fully recorded (paragraph 4.26).
 2. The Area reviews its current custody time limit systems to ensure full compliance with CPS Best Practice, and where necessary, provide further training to staff on the calculation of expiry dates (paragraph 4.42).
 3. The Area introduces a quarterly performance management regime for each office based upon written performance reports to which the Unit Heads and the Office Business Manager contribute (paragraph 7.7).
 4. The Area reviews attendance at internal and external meetings to ensure that the resources employed are necessary and represent good use of time (paragraph 9.11).
 5. The Area reviews its capacity and capability to manage change (paragraph 10.9).

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	-	96.3%	-	80% 8 out of 10
Decisions complying with public interest test in the Code ¹	-	97%	-	100% 6 out of 6
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.6%	-	100%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	98.9%
Requests for additional evidence/information made appropriately at first review ¹	-	77.5%	-	77.3%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.1%	-	9.6%
Discontinued cases with timely discontinuances ¹	-	75.4%	-	88.5%
Decisions to discontinue complying with the evidential test ¹	-	93.3%	-	100%
Decisions to discontinue complying with the public interest test ¹	-	92.6%	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	89.1%	-	88.5%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.2%	-	100%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	95.1%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct - Dec 03) 37.5%	-	(Oct - Dec 03) 29.9%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	19.3%	-	25% 3 out of 12
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Oct - Dec 03) 28.8%	-	(Oct - Dec 03) 19.8%
Ineffective trials in the file sample that could have been avoided by CPS action	-	34.1% ⁴	-	19.7% ⁴ 1) out of (6)
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.9%	-	1.8%
Decisions to proceed to trial complying with the evidential test ¹	-	96.2%	-	96.6%
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%	-	90.9%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	70.9%	-	91.7%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	40.7%	-	25% 2 out of 8

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	-	79.1%	-	93.7%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.4%	-	98.4%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	80.3%	-	77.4%
Timely and correct continuing review after committal	-	83%	-	100%
Cases with timely service of committal papers on defence	80%	76.2% 85.3% ³	-	84.6% ¹ 90.6% ²
Cases with timely delivery of instructions to counsel	84%	84.6% 85.4% ³	-	88.6% ¹ 86.7% ₋
Instructions to counsel that were satisfactory ¹	-	63.7%	-	68.7%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 38.3%	-	(Apr 03-Mar 04) 28.2%
Cracked trials that could have been avoided by CPS action ¹	-	15.8%	-	14.3% 2 out of 14
Ineffective trials as recorded by CPS and Crown Court JPM	-	(Apr 03-Mar 04) 20.7%	-	(Apr 03-Mar 04) 12.4%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	12.1% ⁴	-	Nil sample
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		78.9%		85.7%
Indictments that required amendment ¹		25.6%		35.3%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.4%		97%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	23.3%	-	19.3% 6 out of 31
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.1%	-	8.2%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 2001-02 as recorded by JPIT	Target +5%	+6.9% (as at Nov 03)		+ 13% (as at Jan 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 31 March 2004

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

CPS PERFORMANCE	National Target 2003-2004	National Performance Cycle to date*	Area Target 2003-2004	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		72.4%		33.3%
Cases where secondary disclosure properly handled ¹		64%		Nil sample
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97%		95%
Trials where appropriate use made of the witness care measures ¹		85.2%		100% 1 out of 1
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		82.5%		62.5%
Cases where secondary disclosure properly handled ¹		57.1%		77.3%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		81.3%		94.1%
Trials where appropriate use made of the witness care measures ¹		92.6%		100% 12 out of 12
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	94.2%	-	78.9%
OTHER ISSUES				
Payment of witness expenses		Apr 03-Mar 04		
Payment of witness expenses within 10 days of receipt of claim ²	100%	98.9%	100%	99%
Handling of complaints		Apr 03-Mar 04		
Complaints replied to within 10 days ²	94%	86.1%	97%	95.2%
Citizens charter commitment		Oct – Dec 03		
MPs correspondence replied to within 15 days ²	100%	92.8%	N/A	93.8%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	Not available	N/A	14.3 days (200-/03)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	68 days (Dec 03–Feb 04)	71 days	55 days (Dec 03–Feb 04)

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

² self-assessment by Area

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

Commentary

- 3.1 The quality of decision-making about whether to proceed with cases is good.
- 3.2 Although the quality of advice prior to charge was variable, the review and preparation of cases from first appearance to trial in the magistrates' courts and the Crown Court was sound, except for compliance with disclosure standards.

Advice to police

- 3.3 The timeliness and fullness of the advices within the file sample was good, but the quality of the advice was variable.

Quality of decision-making

- 3.4 The quality of decision-making after charge was sound. The Code principles were applied appropriately at the key stages of first review, summary trial and committal/service of prosecution papers review. At each stage the Area performance was better than the cycle-to-date average.

Continuing review

- 3.5 The preparation for summary trials was generally timely and additional evidence was requested in 91.7% of relevant cases (inspection cycle-to-date average is 70.9%).
- 3.6 The service of committal papers or the prosecution papers in "sent" cases is also timely, and additional information was requested in the majority of relevant cases – 77.4% compared to an inspection cycle-to-date average of 80.3%.
- 3.7 The Local Criminal Justice Board (LCJB) has a low cracked and ineffective trial rate in both the magistrates' and Crown Court and the Area is making a full contribution to that outcome. The appointment of Case Progression Officers in the Magistrates' Courts Units (MCUs) should improve performance further.

Discontinuance

- 3.8 The discontinuance rate has reduced since the last inspection (from 12.2% to 9.6%) and is now significantly lower than the national average (12.1%).
- 3.9 Discontinuances are generally timely and well handled. The application of the Code test was significantly better than the cycle-to-date average, although we comment below on the handling of domestic violence cases.

Discharged committals

- 3.10 The Area does not record the number of committals discharged because the prosecution were not ready. However, we were satisfied from interviews both within the Area and with criminal justice partners, that the numbers of such discharges are very low.

Level of charge

- 3.11 Cases were dealt with at the correct level of charge in 77 out of 78 (98.7%) relevant cases in the sample. Out of 16 cases where the original police charges needed to be amended in the magistrates' courts, 15 (93.75%) were amended in a timely manner.
- 3.12 Indictments drafted by the Area required amendment in 12 out of 34 (35.3%) relevant cases. In eight out of 12 cases (66.6%) the need to amend could have been avoided by better drafting at the committal stage.

Ineffective trials

- 3.13 The Local Criminal Justice Board (LCJB) has been very effective in reducing ineffective trials in both the magistrates' courts and the Crown Court and the CPS has played a full part in this.
- 3.14 In the quarter ending December 2003, the LCJB had an ineffective trial rate of 19.8% (compared to a national average of 28.8%) in the magistrates' courts, and improved performance in the quarter ending March 2004 to 15.9%. Although the LCJB has failed to achieve its target of a 17% rate for the year 2003-04, the final outturn of 19.7% for 2003-04 represents a significant achievement.
- 3.15 Performance in the Crown Court is very good. The LCJB achieved its target of a 14% ineffective trial rate for 2003-4 with a final outturn of 12.4%, which compares favourably to a national average of 20.7%.

Persistent young offenders

- 3.16 The timeliness with which persistent young offenders are dealt with has consistently bettered the target since the last inspection. Over the period December 2003 – February 2004 the LCJB dealt with persistent young offender (PYO) cases in an average of 55 days compared to a national average of 68 days and a target of 71 days.

Persistent offenders

- 3.17 The LCJB has brought 1,715 offences to justice for persistent offenders for the period 2003-04. This falls below the target which the Area set itself of 2,377. However, we were satisfied that they had taken all appropriate steps to ensure the correct handling and recording of such cases; indeed overall performance compares very favourably with other LCJBs.

Sensitive cases

- 3.18 CPS policy guidance on the handling of child abuse and racist incidents is being correctly applied, and review and case preparation is generally sound. In domestic violence cases there were some weaknesses in the handling of victim withdrawals.

Adverse outcomes

- 3.19 Adverse cases comprise no case to answers (NCTAs) in the magistrates' court and judge ordered/directed acquittals (JOA/JDAs) in the Crown Court.

- 3.20 The NCTA rate (0.2%) has risen since the last inspection (0.1%), although it remains below the national average (0.3%). The NCTA can be reduced by CPS action. In two out of eight (25%) cases more could have been done to avoid the outcome or discontinue the case earlier, although this still compares favourably to an inspection cycle-to-date of 40.7%.
- 3.21 The JOA rate (7.1%) and JDA rate (1.8%) have both improved significantly since the last inspection from 13.3% and 2.7% respectively. Both rates are below the current national averages (14% and 1.9%). Nonetheless, in six out of 31 (19.3%) cases more could have been done to avoid the outcome or drop the case earlier, although again this compares favourably to an inspection cycle-to-date average of 23.3%.

Narrowing the justice gap

- 3.22 The LCJB is exceeding its target for bringing offences to justice. The CPS is contributing to this by its low discontinuance and JOA rate. However, it remains too early to assess the impact of the pre-charge advice scheme on the overall numbers of offences brought to justice.

Disclosure

- 3.23 Although the Area has carried out training on the revised Joint Operational Instructions for handling unused material the handling of disclosure in accordance with those operational instructions and the Criminal Procedure and Investigations Act 1996 remains a weakness, particularly in the MCUs.

4 CASEWORK

Advice to police (CAP1)

- 4.1 The Area has implemented a shadow pre-charge advice scheme in two phases – on 1 October 2003 at the charging centre in Plymouth, and on 1 December at the charging centres in Camborne, Exeter and Torquay. The proportion of advices has risen from 5.6% of the Area workload in the twelve months to December 2003 to 12% in the twelve months to March 2004 (national average 12.9%). However, the implementation has been problematic and we deal with those issues at paragraphs 10.5 - 10.7.
- 4.2 We examined ten cases where police had submitted a full advice file outside the shadow scheme.
- 4.3 We disagreed with two advices on the evidential Code test – one by a Magistrates' Court Unit (MCU) lawyer and one by a Crown Court Unit (CCU) lawyer. In both cases we thought that further information should have been sought from the police before a final advice was given. Nonetheless, a full explanation for the decision was given in all cases in the sample.
- 4.4 The advice was timely in nine out of ten cases.

Aspects for improvement

- * The quality of advice needs to be improved to ensure a consistently high standard.

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

- 4.5 The arrangements for the provision of files by the police for early administrative hearings (EAHs) and early first hearings (EFHs) generally work well and allow the MCU lawyers and designated caseworkers (DCWs) sufficient time to carry out a first review of the case.
- 4.6 The decision-making at first review is good. We agreed with the application of the Code tests in 94 out of 95 cases in the file sample. We disagreed with the application of the public interest test in one case, which was subsequently discontinued.
- 4.7 The quality of review is also sound. It is important that additional evidence or information is requested at the earliest opportunity. An appropriate request was made in ten out of 13 (76.9%) relevant cases that were dealt with in the magistrates' courts and seven out of nine (77.8%) cases in the Crown Court. Although there remains scope to improve the quality of first review, it is encouraging that the same standard applies whether the case remains in the MCU or passes to the CCU. This indicates the units are working effectively together.

Bail/custody applications (CAP3)

- 4.8 We are satisfied that appropriate applications are being made in relation to bail or custody.

Discontinuances in magistrates' courts (CAP4)

- 4.9 Discontinuances are generally well handled.
- 4.10 We examined 26 cases that had been discontinued by the MCUs. We agreed with the application of the Code tests in all cases. In 23 out of 26 cases we were satisfied that all reasonable steps had been taken to request additional information before discontinuing. However, in two cases of domestic violence we thought more information should have been sought before discontinuing, and in a third case of domestic violence it was unclear from the file endorsements whether additional information had been requested. We discuss further at paragraph 4.28.
- 4.11 We found the discontinuances were timely in 23 out of 26 cases (88.5%). Only one of the three late discontinuances resulted in a cracked trial. A full explanation of the reason for the discontinuance was recorded in 23 out of 26 cases (88.5%). The police were fully consulted in 19 out of 21 relevant cases where consultation was appropriate, although the time-scales for a response were sometimes short.

Summary trial preparation (CAP5)

- 4.12 The decision-making, review and preparation for summary trials was sound. The decisions to proceed to trial complied with the principles of the Code in 29 out of 30 cases (96.6%). We disagreed with one decision to proceed where the identification evidence was unsatisfactory. Appropriate requests for additional information were made in 11 out of 12 relevant cases (91.7%). We found that more could have been done in two out of eight (25%) of the trials which resulted in no case to answer (NCTAs). This is below the cycle-to-date average (46.3%). Both those cases related to identification (one has already been referred to above as a disagreement with the decision to proceed).
- 4.13 The requests to the police for full files were timely in all cases. Review of the full file once received was also timely in 20 out of 22 (90.9%). However, there were no systems to chase late full files and pre-trial checks were not being carried out consistently in the three Magistrates' Courts Units (MCUs). Indeed, in one MCU there was no effective system for pre-trial checks. We found that the CPS could have done more to avoid the outcome in four out of 18 (22.2%) cracked and ineffective trials in our file sample.
- 4.14 The LCJB performance in relation to cracked and ineffective trials (CITs) is very good. It has a high effective trial rate (50.3% compared to a national average of 33.7% for October – December 2003). Nevertheless, the Area has recognised that there is scope for further improvements and has now appointed Case Progression Officers in all three MCUs. They should be able to build on the good practice already in the Area, particularly at the Exeter MCU, and ensure that PTRs are effective as well as trials.

Strengths

- * The thoroughness of review of cases for summary trial.

Committal and Crown Court case preparation (CAP6)

- 4.15 The timeliness of the Area's review and service of both committal and prosecution papers is good. We found only one out of 20 (5%) committal hearings were adjourned because of late service of committal papers and in 13 out of 14 (92.8%) cases the prosecution papers were served within the period directed by the court.
- 4.16 The quality of review and decision-making at committal, or prior to service of prosecution papers, is generally sound. The decision to proceed accorded with the Code principles in 64 out of 65 cases (98.4%). We disagreed with the application of the evidential Code test in only one case, which became a judge ordered acquittal, because of weak identification evidence.
- 4.17 However, there is scope to improve the quality of review. Requests for additional information were only made in 24 out of 31 relevant cases (77.4%) - the cycle-to-date average is 80.3%. In seven out of 34 relevant cases (20.6%) counsel advised on points which the reviewing lawyer should have dealt with. In six out of 31 (19.3%) JOA/JDAs the Area could have done more to avoid the outcome or discontinue the case earlier – the inspection cycle-to-date average is 23.3%. In two of these cases more information should have been requested at the committal.
- 4.18 Case progression after committal or service of prosecution papers is generally effective. Directions were complied with in a timely manner in 15 out of 17 relevant cases (88.2%). The Crown Courts Units (CCUs) dealt expeditiously with issues raised by counsel, or changes in circumstances, in all 14 relevant cases. There is good liaison between the CCUs and the Case Progression Officers (CPOs) in the Crown Court. This has helped to reduce the number of avoidable cracked and ineffective trial. However, there remains scope for the Area to do more. In two out of 14 cracked trials (both JOAs) the CPS could have discontinued the case earlier and avoided the cracked trial.
- 4.19 The quality of indictment drafting can be improved – 12 out of 34 (35.3%) required amendment compared to the cycle-to-date average of 27.9%. In four out of 12 the amendments were either to accommodate pleas or reflect counsel's view of the case, but the other eight amendments were avoidable at drafting stage.
- 4.20 Although the timeliness of delivery of instructions to counsel is good (86.7% timely), the quality remains weak. Only 22 out of 32 (68.7%) satisfactorily addressed the issues in the case and acceptability of pleas.
- 4.21 The Area systems for identifying cases suitable for applications under the Proceeds of Crime Act 2001, and for recording those applications, have been revised in order to make fuller use of the Act.

Strengths

- * Case progression after committal or service of prosecution papers.

Disclosure of unused material (CAP7)

- 4.22 The Area has carried out training on the revised Joint Operational Instructions (JOPI). The CPS and the Association of Chief Police Officers (ACPO) agreed on the handling of unused material. Systems for the handling of sensitive unused material - including that held by third parties such as Social Services - are being revised with the police, and recording systems for public interest immunity material have been introduced. The police are now copying crime reports with the disclosure schedules. The Area is using the police file quality joint performance management (JPM) systems to try and raise the quality of disclosure schedules.
- 4.23 The files we examined from the MCUs covered the period both before and after the JOPI training. We found that compliance with the JOPI remained unsatisfactory, even after training had been delivered.
- 4.24 We were only satisfied that primary disclosure had been correctly handled in seven out of 21 cases (33.3%) in the MCU. There were two principal causes for concern, both of which meant that disclosure decisions were made without proper consideration of the material. We found on the one hand that lawyers were accepting disclosure schedules with insufficient detail to allow an informed decision on disclosure to be made. Conversely, we found other lawyers adopted an approach of allowing blanket disclosure by marking all items as “inspect” at the police station without application of the tests under the Criminal Procedure and Investigation Act 1996 or full knowledge of the content of the material. The timeliness of disclosure can also be improved, it was timely in only 14 out of 20 cases (70%).
- 4.25 The primary disclosure in the bulk of the CCU cases we examined was dealt with before the JOPI training. We found that even before the training, primary disclosure was handled better in the CCUs – 20 out of 32 (62.5%) of cases were correctly handled – but we found the same failings we have described in relation to the MCUs, and performance fell well below the cycle-to-date average (85.9%). The handling of secondary disclosure was satisfactory – at 17 out of 22 (77.3%) compliance with the JOPI was better than the cycle-to-date average of 60%. Poor record keeping was the prime reason for failure. The timeliness of primary disclosure was good, but only 15 out of 21 (71.4%) cases of secondary disclosure were timely.
- 4.26 We were not satisfied that four out of 10 (40%) cases with sensitive material were correctly dealt with, either because of missing paperwork or a failure to record decisions.

RECOMMENDATION

The Area ensures that each unit fully complies with the Joint Operational Instructions on handling unused material and, in particular, ensures that:

- * **Disclosure decisions are not taken on the basis of inadequate disclosure schedules;**
- * **The disclosure tests under the Criminal Procedure and Investigation Act 1996 are applied after proper consideration of the material; and**
- * **Disclosure decisions are fully recorded.**

Sensitive cases (CAP8)

- 4.27 The Area has sought to raise awareness of good practice in relation to domestic violence cases through Area training and there is an Area Domestic Violence Co-ordinator. All domestic violence cases are monitored at the Exeter office and the data passed to the Area Co-ordinator. The Area is supporting an initiative for a Domestic Violence Court at Exeter Magistrates' Court.
- 4.28 We examined 20 domestic violence cases dealt with in the magistrates' courts and two in the Crown Court. The overall standard and timeliness of decision-making in relation to evidence was sound. However, in two out of nine cases that were discontinued, we thought more could have been done to liaise with the police Domestic Violence Unit over the most appropriate means of dealing with the case. In another case the liaison with the police over discontinuance was not fully recorded (see paragraph 4.10). It is now Area policy to refer all decisions to discontinue domestic violence cases, or indeed advise no further action at pre-charge advice stage, to a Unit Head.
- 4.29 The appropriate handling of racist crime is a high priority in the Area. It has a well-established system for referring all discontinuances to the Casework Manager, or in her absence the CCP or other senior manager. The CCP has circulated a paper on the handling of racially aggravated crime within the Area and to the Bar. Racist crime logs are in place in all units and the results are analysed, although the log at one office was not kept up-to-date.
- 4.30 We examined 16 racist incidents in the file sample; all save one were properly handled. In that case we found that more could have been done to avoid the outcome of a bind over.
- 4.31 We examined 19 child abuse cases. The review and case handling was satisfactory. CPS policy on the handling of such cases applied in all cases bar one, although there was generally no record of the viewing of video interviews of child witnesses. However, we disagreed with advice to proceed in one case (which was ultimately a JOA) and thought that a second JOA should have been dropped much earlier than it was. We were satisfied that third party material had been correctly handled in nine out of ten relevant cases.

- 4.32 The file sample included eight rape cases. They were all soundly handled, except that compliance with the JOPI for unused material was variable.

Youth cases (CAP13)

- 4.33 Each office has a persistent young offender (PYO) and youth justice co-ordinator, and case progression meetings for youth cases are held with the magistrates' courts. The PYO timeliness (55 days against national average of 68 days) is good.
- 4.34 We examined ten youth cases in the file sample. Nine of them were satisfactorily handled, save that our general comments about disclosure extended to youth cases. We disagreed with the decision to proceed to trial in one case already mentioned at paragraph 4.12.

File/message handling (CAP9)

- 4.35 Office systems in the MCUs were generally efficient. There were few backlogs and, where they existed, they were being effectively managed so the progress of cases was not adversely affected.
- 4.36 The systems for managing casework in the CCUs were less robust. Each CCU had only one dedicated level A administrative officer, and in two of the units they were unable to deal with Crown Court post because of lack of time. Some assistance was provided from administrative staff elsewhere in the office, but we think the Area should review, and where possible, strengthen administrative support provided to caseworkers and lawyers in the CCUs.
- 4.37 Administrative staff were generally positive about the introduction of Compass. The implementation team produced a good desk-top guide that would benefit from being updated and re-issued. Most administrative staff were using task lists to manage work. However, use by lawyers and caseworkers, including use of the file location facility, was more patchy. It is important that all staff complete the location box to allow the movement of files to be tracked so valuable time is not being lost in looking for cases.

Custody time limits (CAP10)

- 4.38 Custody time limit (CTL) provisions regulate the length of time an accused person 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.
- 4.39 We examined a total of 13 cases subject to CTLs, consisting of seven cases completed in the magistrates' courts and six completed in the Crown Court. The Area uses stickers on the front of files to identify when time limits apply. A red stamp is used on the inside flap of magistrates' courts files to record review and expiry dates. Expiry and review dates for Crown Court files are only annotated on files in red ink. These endorsements can be unclear.

- 4.40 The CTL expiry date was either inaccurate or unclear on four out of 19 files (21%). One expiry date was incorrect from the outset; one was not updated from 56 to 70 days after mode of trial; one was not re-calculated after the defendant was re-admitted into custody; and in the fourth case, the endorsement on one file with regards to the identity and bail status of one defendant was unclear, so that it was not possible to determine whether the expiry date was correctly calculated. In another case, a second charge was added a week after the initial appearance, but separate CTLs were not maintained.
- 4.41 The offices have different systems for recording and monitoring review and expiry dates. There was evidence of management checks at the Exeter and Truro offices, but not at Plymouth. In light of our findings about the accuracy of expiry dates, and the clarity of file endorsements, it is important that a consistently high standard of monitoring throughout the Area is ensured.
- 4.42 We saw three cases where applications to extend CTLs were required. All were served within the time guidelines and included a chronology. Furthermore, we found a letter that was sent in anticipation of an extension, should trial not proceed on time.

RECOMMENDATION

The Area reviews its current custody time limit systems to ensure full compliance with CPS Best Practice, and where necessary, provide further training to staff on the calculation of expiry dates.

National Probation Service and Youth Offending Teams (CAP12)

- 4.43 A detailed protocol (October 2003) with the Probation Service and local Youth Offending Teams deals with provision of pre-sentence material. It identifies liaison points in each CPS office.
- 4.44 Area managers were aware of concerns by the Probation Service in relation to late or non-service of pre-sentence information. Some steps had already been taken which indicated that pre-sentence information had been supplied in most cases. However, we found evidence of service of the appropriate papers in only seven out of 13 (53.8%) relevant MCU cases, and in only 21 out of 34 (61.8%) relevant CCU cases. Managers will want to ensure that the Area is fully complying with its protocol with the Probation Service.

Aspects for improvement

- * The recording of provision of pre-sentence information to the Probation Service.

Appeal and committal for sentence processes (CAP14)

- 4.45 The instructions to counsel in appeals against conviction are unsatisfactory because they do not routinely include a case report from the original trial lawyer.

Appeals against unduly lenient sentences (CAP15)

- 4.46 The Area is fully aware of the importance of referring unduly lenient sentences to CPS Headquarters for consideration of a referral to the Attorney General. It is also aware of its duty to notify the victim or their family of the right to appeal direct to the Attorney General if a decision is taken by CPS not to refer.

Recording of case outcomes (CAP16)

- 4.47 We found some backlogs of finalised cases in the Exeter and Plymouth offices. They were being satisfactorily managed, although greater use could be made of Compass to ensure cases were being properly updated and finalised. Regular stock takes, including a manual file count, would also help to ensure the number of cases the Area finalises is accurate.
- 4.48 All units had systems to ensure the accurate recording of adverse cases. However, some staff were not confident that they had received sufficient training on finalising adverse cases on Compass. Although most of the problems initially experienced have now been resolved, managers should ensure that individual concerns are addressed with further training if necessary.
- 4.49 Most managers had little understanding of the report functions of Compass and only three members of staff had received full management information systems (MIS) training from CPS Headquarters. This is very modest for an Area with such a geographical spread, and will limit the ability of managers to recognise or understand anomalies and inaccuracies in the performance indicators (PIs).
- 4.50 The Area has developed systems with CJS partners to try and ensure that the CPS does not deal with, or register, specified proceedings. In particular, there are now separate specified and non-specified road traffic courts for most of the road traffic cases in the Area. This has been successful to a very large extent, albeit the problem has not been completely overcome.
- 4.51 Two of the offices are not using Compass to record the storage box number for finalised cases. This is causing some duplication of effort as information on cases has to be recorded again into a stand-alone computer.

Information on operational and legal issues (CAP17)

- 4.52 Operational and legal issues are communicated by various means – the Area newsletter; CCP circulars; Area training seminars; Unit Head minutes on adverse cases; and team meetings. The frequency of team meetings varies considerably between units (in part a reflection on the practicalities of bringing lawyers together in the office). We also found that Unit Head minutes were not always circulated in both the MCU and CCU, even though there is a clear need for lawyers in both units to be aware of operational and legal issues in the other unit. We comment further on communication within the Area at paragraphs 8.17- 8.20.

- 4.53 The results of all Crown Court cases are not routinely circulated within units and there was some concern amongst lawyers that insufficient attention was given to successful cases. The Area may wish to consider providing a results service for all Crown Court cases.

Readiness for court (CAP18)

- 4.54 The provision of court lists to the CPS is the subject of protocols with both the magistrates' courts and the Crown Court. Files for court, including first appearance files, are usually delivered to court on time.

Learning points (CAP21)

- 4.55 The Area has established the Casework Quality Assurance scheme in all units except one. Area Headquarters is now looking at ways of benchmarking the Area against national performance in order to make full use of the data produced.
- 4.56 The analysis of adverse cases (JOA/JDAs) and jury acquittals is well established in the CCUs. We found that there was a full adverse case report that identified relevant learning points in 28 out of 31 JOA/JDAs (90.3%).
- 4.57 The focus of Unit Heads for the MCUs is mainly on lessons from their discontinued case analysis which is full and detailed (see paragraph 7.9). However, the Unit Heads also prepare adverse case reports for NCTAs. The report fully dealt with the issues in five out of six (83.3%) available reports.

Strengths

- * Thoroughness of the adverse case and discontinuance analysis with a view to learning from experiences.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

Advocacy standards and monitoring (CAP19)

- 5.1 We received feedback from other agencies that the standard of in-house advocacy is competent or better in both the magistrates' courts and Crown Court. This was confirmed by our own observations.
- 5.2 We observed nine in-house advocates (lawyers and DCWs) in the magistrates' courts. We found one was above average in some respects; seven were fully competent; and one was lacking in presence or lacklustre. We also saw two lawyers dealing competently or better with preliminary hearings and pleas in the Crown Court.
- 5.3 A consultant appointed by the Area has carried out the monitoring of in-house advocates over the past twelve months. Area managers recognise that they also need to see their own advocates in court (not least for performance appraisal purposes) and are planning to resume monitoring.
- 5.4 Agent usage in the magistrates' courts has been approximately 39% for the periods 2002-03 and 2003-04. Members of the junior Bar and experienced solicitors are instructed. A two-week induction is provided for new counsel agents. We were told that the quality of agents was variable. We observed four agents in court – three were fully competent and one was lacking in presence. The Area is aware of the potential risks from using weak or inadequate agents, and is managing that risk satisfactorily.
- 5.5 We observed ten counsel in the Crown Court. Of these, seven were fully satisfactory and three lacklustre. There are different approaches to monitoring in the three CCUs – varying from full monitoring of counsel in all trials to monitoring on an exception basis, for example for re-grading or if a cause for concern has arisen. The levels of caseworker court coverage are the same throughout the Area and the same approach to monitoring should also apply.

Strengths

- * Induction course for new agents.

Court endorsements (CAP20)

- 5.6 The quality of court endorsements was variable on both magistrates' courts and Crown Court files. Some case results on the magistrates' courts files were particularly poor and could have led to the outcome being wrongly recorded on Compass.

Aspects for improvement

- * The recording of case results on magistrates' courts files.

Court preparation (QSD1)

- 5.7 The evidence from other court users was that prosecution advocates are generally well prepared for the courts they are prosecuting. This was borne out by our own observations, although we did observe one advocate where this was not the case. The Area has appropriate systems for ensuring files are delivered to agents at least the day before the hearing. The introduction of Case Progression Officers (CPOs) in all MCUs should ensure that all trial files are checked before delivery to the agent. This was not being done in all offices before their appointment.

Attendance at court (QSD2)

- 5.8 Attendance of prosecutors in the magistrates' courts is usually timely and enables discussion of issues with the court and the defence before commencement of the list.
- 5.9 The caseworker coverage at the Crown Court is generally 1:1 and appropriate support is provided to counsel. There is no duty lawyer at the Crown Court, but there is a regular prosecutor presence either for preliminary hearings or for HCA (Higher Court Advocate) work.

Accommodation (QSD4)

- 5.10 The CPS accommodation and facilities at the courts we visited was satisfactory, except for Exeter Crown Court. A new Crown Court building is due to be opened there in November 2004.

6 VICTIMS AND WITNESSES

Witnesses at court (QSD3)

- 6.1 Prosecutors and caseworkers generally introduce themselves to witnesses and provide appropriate support, although this is not always the case with agents in the magistrates' courts or caseworkers in the Crown Court.
- 6.2 Liaison with the Witness Service at court is good. The Witness Service routinely receives witness information and details of witness phasing and any Special Measures. There are regular meetings between the Area and the local Witness Service at which issues of concern can be raised.

Direct Communication with Victims (CAP13)

- 6.3 The Area has implemented the standard model whereby lawyers write letters to victims and hold meetings with them as necessary.
- 6.4 Although there are systems to record and chase cases where a Direct Communication with Victims (DCV) letter is appropriate, we found that they are not fully effective. In our discontinued case file sample appropriate and timely letters were sent in six out of 16 relevant MCU cases (37.5%) and in ten out of 13 relevant TU cases (76.9%). In nine cases there was no record on file of a letter being sent and in four cases the letter was outside the five-day target. We also found examples in the file sample of cases where charges had been reduced or altered without any record of the victim being informed. The Area may find it useful to carry out a sampling exercise to benchmark how many cases fall within the scope of the DCV scheme.
- 6.5 The quality of those DCV letters that were sent was generally good.

Aspects for improvement

- * DCV letters to be sent in all appropriate cases.

Meetings with victims and relatives of victims (DCV5)

- 6.6 Meetings are held as appropriate. There are witness care rooms at Exeter and Plymouth offices; the Truro office does not have space for a dedicated room and has arrangements to use other premises locally.

Victims' Charter (CR2)

- 6.7 The Area, led by the CCP, has a good awareness of victim and witness issues. A recent Area training day included sessions on victim and witness care. It has also co-hosted with the police a seminar on witness profiling. Although the police have the lead within the LCJB on improving victim and witness care, the CPS are an integral part of the working group. The CCP has taken steps to facilitate stand-by arrangements for hospital doctors.

- 6.8 In relation to magistrates' courts cases, the Area makes full use of the procedure under section 9, Criminal Justice Act 1967 to try and avoid unnecessary witness attendance. It correctly applied for Special Measures in the only relevant case within the file sample. However, there is little phasing of witness attendance in summary trials. Out of the two cases in the sample where either stand-by or phased attendance was possible, appropriate arrangements were only made in one. The Area has recognised that the "No Witness No Justice" initiative provides the opportunity for agreeing much greater use of witness phasing with the Magistrates' Courts' Committee.
- 6.9 The phasing of witness attendance in the Crown Court has significantly improved since the last inspection. Appropriate arrangements were made in 16 out of 17 (94.1%) of relevant cases in the file sample. Special Measures have also been fully implemented – appropriate applications were made in all 12 relevant cases in the file sample. The Area has a protocol with the Court Service not to list trials with vulnerable witnesses as "floaters".

7 PERFORMANCE MANAGEMENT

Performance standards (PM1)

- 7.1 The Area Business Plan (ABP) includes targets and objectives. They are linked to achievement of Public Service Agreement (PSA) targets and have been adopted by each unit without individual unit plans. The Area Management Group (AMG) sets casework standards, although they have not been codified and published.
- 7.2 The responsibility for communicating the ABP and casework standards to staff rests with the Unit Heads through team meetings and Forward Job Plans (FJPs). We found staff had a broad understanding of key Area targets.

Performance monitoring (PM2)

- 7.3 The Area has a strong focus on monitoring its casework performance. It undertakes a range of monitoring including:
- * Casework Quality Assurance (although not fully embedded at one unit);
 - * adverse case reports in all NCTAs, JOA/JDAs, and Crown Court acquittals; and
 - * reports on all discontinued cases for joint performance management meetings with the police.
- 7.4 The Area Secretariat also collates Area data and produces a “management suite” of information that is circulated to Unit Heads. This provides a basis for managing the overall performance of the Area. Each Unit Head accounts for the unit performance at the monthly AMG. All the members of the AMG found the sharing of information about unit performance valuable, although the minutes did not fully reflect the discussions.
- 7.5 Each Unit Head also has quarterly meetings with the CCP to review progress against a personal responsibility plan that is linked to the ABP. We think these meetings would be strengthened further if the Unit Heads were to provide a quarterly written performance assessment against a template including key aspects of performance and resource management, as well as progress against the ABP and Risk Register. There is scope for the Office Business Manager (OBM) to assist in the process. There would also be merit, given the degree to which MCUs and CCUs in the same office share resources and commitments to the pre-charge advice scheme, for the performance meeting to include both Unit Heads as well as the OBM.
- 7.6 The Area has yet to make effective use of the Management Information System (MIS) to analyse data in the Compass Case Management System (CMS). The Area has encountered difficulties in obtaining sufficient training from CPS Headquarters, but we would encourage the Area to continue its efforts in this respect.

- 7.7 We found some concern at Unit Head level about the value of the current casework assurance data, particularly when compared to the information obtained from other casework monitoring. The Area has sought to make better use of the Casework Quality Assurance data by benchmarking against national performance. We think the Area should continue its efforts to make Casework Quality Assurance a useful management tool.

RECOMMENDATION

The Area introduces a quarterly performance management regime for each office based upon written performance reports to which the Unit Heads and the Office Business Manager contribute.

Joint performance management (PM3)

- 7.8 Joint performance management (JPM) is well established in the Area.
- 7.9 All Unit Heads attend a quarterly JPM meeting with the police to examine police file quality and timeliness, and analyse trends behind discontinued cases and acquittals in the Crown Court. The meeting is jointly chaired by the ABM and a senior police officer. The Area return rate of TQ1s is good (92.2% in February 2004). The process is generally seen as useful, although the quality and timeliness of police files remains a key risk in the ABP.
- 7.10 The magistrates' courts and Crown Court both produce cracked and ineffective trial (CIT) data. The Area accepts the accuracy of the data and has helped to ensure involvement by the defence in recording the data. It is reviewed at a number of different fora – court user groups or at listing meetings (sometimes including the police). The CIT data from both magistrates' and Crown Court reflects a good performance by the Area in avoiding unnecessary trial hearings.
- 7.11 There is effective liaison between Case Progression Officers in the Crown Court and Area caseworkers. There are systems for pre-trial checks in two of the MCUs. The recent introduction of Case Progression Officers at all three MCUs should assist in improving liaison with the magistrates' courts List Officers, thereby further reducing CITs attributable to the prosecution.

Risk management (PM4)

- 7.12 The Area has done a lot of work on risk assessment, but has still to fully integrate that work into the planning and performance management processes of the Area.
- 7.13 It has completed a detailed Risk Register in accordance with CPS Headquarters guidance in relation to the delivery of business objectives and targets. This includes proposed counter measures with actions and review dates. The ABP also includes a list of risks against each objective. However, the list of risks in the ABP does not fully correlate with those identified in the Risk Register. For example a lack of resources and skills, and poor quality police files, are identified as risks in the ABP but these do not feature as key risks in the Risk Register. Further, the ABP does not include any counter measures for the risks identified there.

- 7.14 It would be appropriate for the Area to review all the risks identified in the ABP and the Risk Register with a view to ensure that there are appropriate counter measures in place for all and there is consistency between the ABP and the Register.

Continuous improvement (PM5)

- 7.15 The Area is committed to producing high quality casework and advocacy. Its adverse case analysis is thorough and it has implemented Casework Quality Assurance. It has readily accepted the challenge of prosecuting in the Crown Court.
- 7.16 We think more can be done to improve office systems within the Area. Although office systems throughout the Area are broadly consistent, we found examples of effective systems limited to one or two offices. The Area has already recognised that there is scope for the ABM and the OBMs to share good practice more effectively.

Aspects for improvement

- * Sharing of good practice between offices.

Accounting for performance (PM6)

- 7.17 Although the Area is able to account for individual case outcomes, it needs to develop its performance management regime to enable it to fully account for Area and unit performance (see paragraphs 7.5 - 7.7).

8 PEOPLE MANAGEMENT AND RESULTS

Human resource planning (P1)

- 8.1 The deployment of human resources is based on the Area's own assessment of each unit's needs, based on caseloads and court commitments. It is discussed and agreed at the start of each financial year by the AMG and is regularly reviewed during the year.
- 8.2 Staffing levels have increased significantly since the last inspection in December 2001 (see Annex 4). In particular, the Area has recruited an additional six permanent lawyers since September 2003. The recruitment was intended to ensure that the Area was able to meet priorities such as exercising higher court rights of audience and the delivery of the shadow pre-charge advice scheme. However, the budget allocation for 2004-5 does not support the current staffing profile. We discuss this further at paragraph 9.6.
- 8.3 The Area has an active rotation policy for lawyers between the Magistrates' Courts Units (MCUs) and Crown Courts Units (CCUs). This is particularly important now that it has a shadow pre-charge advice scheme that is covered by lawyers from both units. The period of rotation varies according to the individual lawyer and the particular business needs at the time, but the Area needs to ensure that the periods are sufficiently long to ensure that the units and the individual lawyers gain the full benefits of the policy.

Staff structure (P2)

- 8.4 The Area comprises three offices at Exeter, Plymouth, and Truro. Each office consists of an MCU and a CCU, and has an Office Business Manager responsible for both units. There is also a small Area Secretariat based in Exeter.
- 8.5 The Area has long recognised that the MCUs and CCUs cannot operate autonomously, particularly as regards lawyer deployment, because of the imperative of covering magistrates' courts hearings within a set budget. The introduction of the shadow pre-charge advice scheme from October 2003 also meant that both CCU and MCU lawyers were needed to support the scheme. The budgetary constraints that the Area now faces underline the importance of staff being flexible in the duties they undertake. We discuss the organisational structure further at paragraphs 13.6 and 13.7.
- 8.6 We do not think that the Area is making full use of its level B caseworkers in the CCUs. They only do a significant proportion of pre-committal work in one CCU (although there are plans to introduce a second unit). The Area needs to try and make the best use of all its staff - caseworkers and lawyers - and increasing caseworker involvement pre-committal is one way of doing so.
- 8.7 The Area has three designated caseworkers (DCWs) (one of whom is part-time). It is seeking to negotiate with the magistrates' courts changes in court listing that would accommodate further DCW deployment. We were satisfied that the Area is doing as much as it can in that regard.

- 8.8 The Area has been very pro-active in deploying Higher Court Advocates (HCAs), particularly at two of the CCUs. There are now fourteen HCAs, an additional five having been recruited recently. However, the current budgetary position and the greater priority afforded to the pre-charge advice scheme has meant that the Area has had to review its policy on HCA deployment.
- 8.9 Recent developments have seen the deployment of Case Progression Officers in the MCUs to help improve trial readiness. The Area is planning to monitor the development of the role, although it has now decided not to extend the role to Crown Court casework.

Staff development (P3)

- 8.10 The Area was re-accredited as an Investor in people (IiP) in May 2002.
- 8.11 Training needs are analysed by the Area Secretariat from individual Personal Development Plans (PDP). The Secretariat then liaises with the regional Learning and Development Officer on how these can best be met. Recently the emphasis has been on delivering the training for national initiatives – the Joint Operational Instructions (disclosure), Compass, Proceeds of Crime Act 2001 and Sexual Offences Act 2003. There was no Area Training Plan at the time of the inspection. We think the creation of such a Plan would assist the Area to identify its own priorities and make best use of its resources.
- 8.12 There is a full induction pack for new members of staff and an induction programme, although the delivery of induction training is variable.
- 8.13 An Annual Training Day is held for all staff. The event is spread over three days so as to minimise the disruption to the business. This provides a valuable opportunity to seek views and opinions of staff and build an Area identity, as well as providing training and development on key issues such as victim and witness care and the handling of domestic violence.

Performance review (P4)

- 8.14 Performance appraisal reports are completed for all staff. The return rate for appraisal reports in the 2002-03 cycle (as at 31 October 2003) was 100%.
- 8.15 All staff consulted had a Forward Job Plan. Individual objectives were a mixture of job specific, local target-related and personal development. Interim reviews were being held in most, but not all, units; indeed in one team the line manager was holding monthly work reviews.
- 8.16 We found evidence that poor performance was being tackled through the appraisal system.

Management involvement (P5)

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

- * Team or unit meetings;
- * Whitley Council meetings; and
- * Area newsletters.

8.18 The quarterly newsletters are of a high standard. Managers were generally seen as approachable. However, the frequency of team or unit meetings varied considerably between offices. In some there were weekly team meetings for administrative staff, whilst in others unit meetings including lawyers were ad hoc and sometimes more than six months apart. Some meetings were minuted and the minutes placed on notice boards, whilst others were not. We found staff are generally aware of what is happening in their own unit or section but did not always have an Area perspective.

8.19 Communication with staff will become particularly important as the Area meets the challenges of the coming year – including co-location and the provision of pre-charge advice within tight budgetary constraints. Although the ABP includes a section on communications, we think the Area should review the communication strategies within each office to identify good practice and provide greater consistency between the units. The Area will also need to ensure that the strategy is consistent with the best use of Area resources (see paragraph 9.10).

8.20 The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) regularly visit the Plymouth and the Truro offices and hold meetings with staff. As these are outside the normal management lines of communication, they provide a valuable opportunity to engage with staff, explain their vision and plans for the Area and seek feedback and ideas.

Aspects for improvement

- * The Area reviews its communications strategies across all the units in order to identify good practices and implement a consistent strategy in all units.

Good employment practice (P6)

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

8.22 Each office has a policy on granting leave and flexi-days that seeks to set a balance between staff aspirations and business needs. The Area is particularly conscious of the importance of achieving the right balance in light of high sickness absences in the recent past. However, it may need to review the balance between staff aspirations and business needs if it is required to reduce its budget spend (see paragraph 9.10).

- 8.23 Sickness levels, which were previously a significant problem in two of the offices, appear to be falling. This has been partially attributed to the reduction in the levels of stress owing to the increase in staff resources, although some members of staff and managers still maintain long hours. Managers have also been provided with training on absence management.

Equality and diversity (P7)

- 8.24 The Area has a diverse work force – 3.9% from minority ethnic communities (benchmark within local working community of 1.2%) and 64% women (benchmark within local working community of 47.15%). The Area also has 4.5% of staff as registered disabled. Although there is no disabled access to the Truro office, one of the factors in selecting a co-located site with the police is appropriate disabled access. Staff are aware of the corporate policy on Dignity at Work, and felt able to raise issues with managers. Although we found evidence of some inappropriate behaviours, we were satisfied that managers sought to address those issues appropriately.
- 8.25 At the time of the inspection no Equality and Diversity Action Plan had been produced for 2004-05 (although one was in place for 2003-04). Instead the Area had sought to “mainstream” equality and diversity policy within its ABP. This approach carries the risk of a loss of focus on these issues. CPS Headquarters have now sent a draft Equality and Diversity Action Plan for 2004-05 to the Area and the Action Plan is being completed.

Health and safety (P8)

- 8.26 The Area has addressed concerns about accommodation at the Truro office. Although space remains limited, and access is by stairs only, the Area has successfully re-furbished the accommodation. The offices have staff identified as responsible for health and safety, checks are periodically carried out and action taken when appropriate.

9 MANAGEMENT OF FINANCIAL RESOURCES

Staff financial skills (MFR1)

- 9.1 The Area Business Manager (ABM) is responsible for the overall management of the budget and reports to the Chief Crown Prosecutor (CCP). The Area Secretariat Manager, in conjunction with the office administrators, carries out day-to-day monitoring and prepares the various financial management reports. The Office Business Managers and Office Administrators are involved in regular budget review meetings with the ABM. All relevant staff have received financial management training.

Adherence to financial guidelines (MFR2)

- 9.2 Written financial delegation has been issued to all appropriate staff. All decisions on the allocation of resources are approved by (AMG), which receives monthly budget reports that show the current spend, committed expenditure and accruals.
- 9.3 The Area has put in place systems to ensure appropriate use of counsel agents in the magistrates' courts (account 3010), but only towards the end of the financial year 2003-04. The Area still expended approximately £165,000 under account 3010 – a figure comparable to the lawyer agent spend from running costs (under accounts 5000 and 5002) of approximately £219,000.

Budgetary controls (MFR3)

- 9.4 The Area has sound systems for projecting and controlling expenditure. In the financial year 2003-04 it achieved an underspend of £58,403, against a running costs budget of £4,944,000 (1.2% underspend).
- 9.5 However, the budget allocation for running costs for the financial year 2004-05 has been made on an activity cost basis (ABC) and amounts to £4,757,000. This is significantly less than the allocation for 2003-04, which included an additional £110,000 from a Headquarters review of the Area budget provision and an additional £98,200 based on sessions covered by Higher Court Advocates (HCAs).
- 9.6 The CCP has made representations to CPS Headquarters over the fairness of ABC as the basis for allocation. At the time of the inspection the outcome of these representations was still unknown. In the meantime the Area has drawn up a budget based on its own estimate of needs. It is committing expenditure in line with those projections. Unless further funds are made available from CPS Headquarters, the Area was likely to overspend, at the time of the inspection, by approximately £750,000.

Management of prosecution costs (MFR4)

- 9.7 The payment of counsel through the graduated fee scheme is operating satisfactorily. We found no backlogs of any significance. Timeliness of processing claims was variable, with one office well within the ten-day target for the period April 2003 - February 2004, but the other two offices missing the target. We also found evidence of case management plans being completed for high cost cases, although in one case agreement on the fee was reached after the case was completed.

Value for money approach (MFR5)

- 9.8 The Area has increased the number of lawyers from 38.3 full time posts at the end of 2001-02 to 49.6 at the end of 2003-04. Over the same period the agent usage has risen from 30.1% of magistrates' courts sessions to 39.7%, whilst sessions per lawyer have reduced from 3.31 to 2.62 half-day sessions per lawyer (based on the full time equivalent of lawyers in post).
- 9.9 The Area has used its additional in-house lawyer resource to improve the quality of its casework, increase its HCA attendance in the Crown Court and roll out shadow pre-charge advice schemes. There have been clear improvements in case outcomes in the Crown Court - cases not proceeded with and bind overs have reduced from 16% at the time of the last report to 9.2%, and jury acquittals have reduced from 12.1% to 8.2%. In the magistrates' courts there has also been improvement. Discontinuances have reduced from 12.2% to 9.6%, although acquittals have risen from 1.4% to 1.8%.
- 9.10 However, there is a disagreement between the Area and CPS Headquarters over whether the Area receives a fair share of the CPS budget. We are not able in this report to comment on the fairness of the allocation based on ABC, but if the Area is required to reduce its expenditure this will present it with a considerable challenge in maintaining its current performance.
- 9.11 Attendance at meetings, both internal and external, takes up a significant amount of time for senior managers in the Area. Many of those meetings are necessary, particularly in supporting effective internal communications. However, in light of the current projected budget deficit, we think it would be appropriate for the Area to review attendance at meetings to ensure it is necessary and represents good use of time.

RECOMMENDATION

The Area reviews attendance at internal and external meetings to ensure that the resources employed are necessary and represent good use of time.

10 PARTNERSHIPS AND RESOURCES

CJS partnerships (P&R1)

- 10.1 Partnerships with other agencies within the local CJS are strong. There is a framework of inter-agency protocols in place governing operational issues. These were introduced in December 2001 and updated each October. Liaison at all levels, especially senior, is good. The Area actively participates in the local criminal justice board (LCJB) and the operational sub-groups reporting to it, although it may need to review the extent of its inter-agency liaison in light of its current budgetary position (see paragraph 9.10).
- 10.2 The Area has maintained a dialogue with the magistrates' courts over scheduling and court listing. Separate courts have been established for specified and non-specified cases. The Narey arrangements with the police and the courts continue to work effectively, although the Area is seeking an increase in the number of courts suitable for a DCW to prosecute.
- 10.3 The Area is currently undertaking two major initiatives with the police – co-location and shadow pre-charge advice. Both have been problematic.
- 10.4 Progress towards co-location has been very slow. Sites have now been identified for Plymouth and Exeter, and funding been secured (although there remain difficulties with securing the lease at Plymouth). Work is in hand to reprocess-map office systems, taking into account new electronic police case management systems (NSPIS), although it seems likely that CPS and police office systems will not be fully integrated. No site has yet been found in Cornwall. Two options are currently being considered – one at Three Milestone and the other at Camborne Police Station, although the latter option has previously been rejected. There are difficulties in finding suitable business accommodation in Cornwall, but the delay in making any progress is undermining confidence that co-location will be delivered there.
- 10.5 The planning for a shadow pre-charge advice scheme in Plymouth started in July 2003 and was launched on 1 October. Schemes were also established on 1 December at police stations in Exeter, Camborne and Torquay. The three additional schemes were launched at short notice in order to assist the CPS in meeting its national commitments. This put considerable strain on the Unit Heads designated as responsible for local implementation.
- 10.6 The roll-out of the scheme has been carried forward by a joint Area –wide CPS/police steering group chaired by the ABM with one Unit Head at each office responsible for local delivery. Although the scheme has been supported by a detailed protocol covering the practical arrangements, significant differences between the CPS and the police have emerged over the scope of advice from the CPS, the continuity of lawyer involvement after the first advice, and the role of police Case Reviewers. Work was still in hand to resolve these issues at the time of the inspection. The Area is now working with the police to adopt the principles of the statutory charging scheme.

- 10.7 Although there have been regular steering group meetings, both at Area and local office level, these have focused on day-to-day problem solving in relation to both CPS and police compliance with the scheme. There has been limited evaluation of the scheme – for example no data was collected on the number of defendants re-bailed and the reasons, or the outcomes of those cases where there had been advice to charge. The enhancement of the advice facility on Compass (effective from April) should assist the Area in providing more evaluative data.
- 10.8 The Area capacity to manage change through the Area Secretariat is limited because of its small size. In light of the problems encountered with shadow pre-charge advice, we think the Area needs to review its capacity to manage change and in particular to consider whether the office business managers (OBMs) can be utilised more fully. Indeed the Area has already taken steps to include the OBMs in the AMG.
- 10.9 The Area has now withdrawn from one of the charging centres (Torquay). This was attributed to a lack of lawyer resources. Although the Area was able to recruit a net additional six lawyers in 2003-04, three lawyers have subsequently transferred out of the Area (two to CPS Direct) and another has taken early retirement.

RECOMMENDATION

The Area reviews its capacity and capability to manage change.

Improving local CJS performance (CR4)

- 10.10 Criminal justice partners see the Area as being committed to handling casework in a professional manner and to providing a good quality service to victims and witnesses. However, the delays in delivering co-location, and the difficulties around the implementation of shadow pre-charge advice, have cast some doubt over the ability and drive within the Area to deliver major change.

Information technology (P&R2)

- 10.11 Compass has been fully installed in Devon and Cornwall and has replaced the previous case tracking system. The administrative staff are now using it, although we have already referred to some training issues for them (see paragraph 4.47). However, lawyers are not yet making full use of it. Area managers are aware of this and are providing training support and encouragement to fuller use. The Area managers themselves would like to make proper use of the management information systems in Compass (MIS) but are hampered by a lack of expertise within the Area. Assistance has been sought from CPS Headquarters, but been unsuccessful to date. In the meantime, not all managers are making full use of the facility for checking task lists to ensure proper use of Compass by staff.

- 10.12 The police have a secure e-mail system. At the time of the inspection the Area was in the process of linking into the network with the Plymouth office due to be rolled-out. The Area is also keen to extend its use of secure e-mails to other agencies, including counsel. If successful the secure e-mail project should yield real benefits.

Buildings, equipment and security (P&R3)

- 10.13 The Area's accommodation at Exeter and Plymouth is fully satisfactory. The accommodation at Truro is much more cramped, but action has been taken to maximise the use of the available space and to re-furbish the office.
- 10.14 The security and safety of staff is protected by access controls at each of the Area offices. A clear desk policy is in place at the Truro and Exeter offices, but not in Plymouth. Action has yet to be taken to implement the British standards for security BS7799.

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

- 10.15 The Service Centre is based at the Exeter office and working relationships are good. The Area provides a number of trainers for national courses. The CCP and ABM both contribute at CPS Headquarters level.

11 POLICY AND STRATEGY

Stakeholders (P&S1)

- 11.1 The local criminal justice board (LCJB) is an effective forum for discussing the policies and strategies of all the CJS partners. The Area has worked successfully with other agencies and court users on a range of policies, such as improving witness care and case progression through the courts. However, the shadow pre-charge advice scheme has not yet met police expectations, for the reasons already referred to at paragraph 10.6.

Performance measurement (P&S2)

- 11.2 The Area collects data on case outcomes and Area targets in a standard national format. It also collects detailed information on lawyer usage in both magistrates' and Crown Court. As already mentioned at paragraph 10.11, the Area has still to make proper use of Compass and MIS. It also needs to develop appropriate measures of success for policies such as Direct Communication with Victims (DCV) and shadow pre-charge advice in order to support effective evaluation of those policies.

Review (P&S3)

- 11.3 The Area keeps its policies under review through the AMG or dedicated project steering groups. Area managers are fully involved in the operational business, and are aware of problems as they manifest themselves at local level. However, the Area would benefit from a more systematic evaluation of projects such as DCV or shadow pre-charge advice (see paragraphs 6.4 and 10.7).

Framework of key processes (P&S4)

- 11.4 Area policy and strategy is set out in the Area Business Plan (ABP). This was drawn up by the AMG at a two-day planning event. There was no OBM or other staff involvement at this key stage in the process, although a draft was circulated subsequently for comment. There are no office or unit plans to support the ABP and give a clearer focus at a local level.

Aspects for improvement

- * Involvement of staff in Area and local planning.
- * Creation of unit plans to support delivery of the ABP.

12 PUBLIC CONFIDENCE

Complaints (CR1)

- 12.1 Each office has a complaints log. The logs include an index dealing with the nature of complaint, timeliness and (except for the Exeter office) whether the complaint was upheld.
- 12.2 We examined nine complaints. The replies were variable, but usually comprehensive, well written and timely.

Minority ethnic communities (CR5)

- 12.3 We deal with the handling of racially aggravated offences at paragraphs 4.28 and 4.29.
- 12.4 The CCP is chair of the Race Issues sub-group of the LCJB. It has produced a policy statement of how race issues should be handled within the local CJS. Unit Heads attend meetings of local Race Equality Councils and there was some evidence that the Area has benefited from these links. Staff have been involved in other outreach activities. The CCP has also contributed to a leaflet for the Chinese community about how to deal with acts of violence against it.

Safeguarding children (CR7)

- 12.5 The handling of child abuse cases is sound (see paragraph 4.30). The Area has taken the lead in revising the protocol on the handling of third party material held by local authorities to include educational material. Senior managers attend Area Child Protection Committees and Adult Protection Committees.

Community engagement (CR6 and SR1)

- 12.6 Senior managers attend groups such as Domestic Violence fora, although their involvement in community engagement is limited by the time available to them. The Area has used its community links to assist in training staff and raising awareness about a range of issues such as domestic violence and homophobic crime.

Media engagement (SR2)

- 12.7 The Area does not have a Communications Officer, but nonetheless is aware of the importance of dealing appropriately with the media and has been able to raise its profile.

Public confidence (SR3)

- 12.8 The Area is aware of the importance of raising public confidence in the local CJS. It devoted the last Area Training Day to issues supporting public confidence, in particular victim and witness care.
- 12.9 The evaluation of public confidence is carried out by the LCJB. The most recent survey shows satisfaction levels at 43% for the quarter ending December 2003. This represents a reduction from the baseline set in March 2003 of 45%. An Action Plan has been developed through the LCJB. The Plan recognises the importance of witness care in contributing to improved levels of satisfaction.

13 LEADERSHIP AND GOVERNANCE

Vision and values (L&G1)

- 13.1 There is a strong commitment in the Area to improve the quality of casework, victim and witness care. The Area has implemented national initiatives such as DCV, Compass and shadow pre-charge advice. However, the Area, led by the CCP, considers the current basis for allocating resources to be unfair and insufficient to maintain initiatives such as the shadow pre-charge advice scheme or the exercise of higher rights of audience in the Crown Court. This issue has still to be resolved with CPS Headquarters. In the meantime the Area Management Group (AMG) has determined not to make what it considers to be unrealistic demands on staff in order to remain within the current budget allocation.

Staff recognition (L&G2)

- 13.2 We have already highlighted at paragraphs 8.17 - 8.20 that there is scope for a more structured approach to involving staff in the running of the Area. Formal feedback on the performance of individual members of staff is provided in annual appraisal reports. The majority of those consulted felt that, generally, managers are good at motivating staff, recognising achievements and providing support, although some managers were seen as better than others.
- 13.3 A management coach is currently working with individual managers and management teams to bring about cultural and organisational change. Initially, individual coaching has been provided to all managers. As part of this process at the Truro office a change programme has been drawn up to address the various issues highlighted. Change teams drawn from staff will report back to the Office Management Team and then carry out the agreed programme. If successful, it is anticipated that this approach will provide a blue print for resolving issues highlighted at other offices.

Strengths

- * Involvement of staff in the change programme at Truro.

Management structure (L&G3)

- 13.4 The Area Management Group (AMG) meets monthly and acts as the key decision-making body for the Area for both operational and strategic decisions. It comprises the CCP, ABM and the Unit Heads and is a cohesive and supportive group. Recently one OBM has also been attending the AMG. This is done on a rotational basis and we think the involvement of the OBMs should strengthen the effectiveness of the AMG.
- 13.5 Each office has a management team. They also meet monthly to deal with operational issues raised by the AMG and to inform future decisions by the AMG. They comprise all the managers within the office and have a joint responsibility for the performance of the office as a whole.

Organisational structure (L&G4)

- 13.6 The current organisational structure of the MCUs and CCUs has evolved in response to the Glidewell Review of the CPS in 1998 in order to bring a greater focus to Crown Court casework. CCU lawyers routinely cover some pre-charge advice sessions and magistrates' courts hearings. The introduction of the shadow pre-charge advice scheme and the resource pressures in the MCUs, have brought the units even closer together. Any further reductions in the Area budget will increase the need to treat the MCU and CCU as a combined resource. We found the units worked well together. However, the Area may need to review the current structure of MCUs and CCUs, at least in some offices, to ensure the Area structure continues to meet business needs.
- 13.7 We have already commented on the small size of the Area Secretariat (paragraph 10.8). The Area has decided to put its resources wherever possible into service delivery in the MCUs and CCUs. However, there is a risk that the ABM role can become overburdened, particularly under the pressure of implementing change programmes. We think there is scope to make greater use of the OBMs to support the ABM, although the current responsibilities of the OBMs within their respective offices would also need to be reviewed.

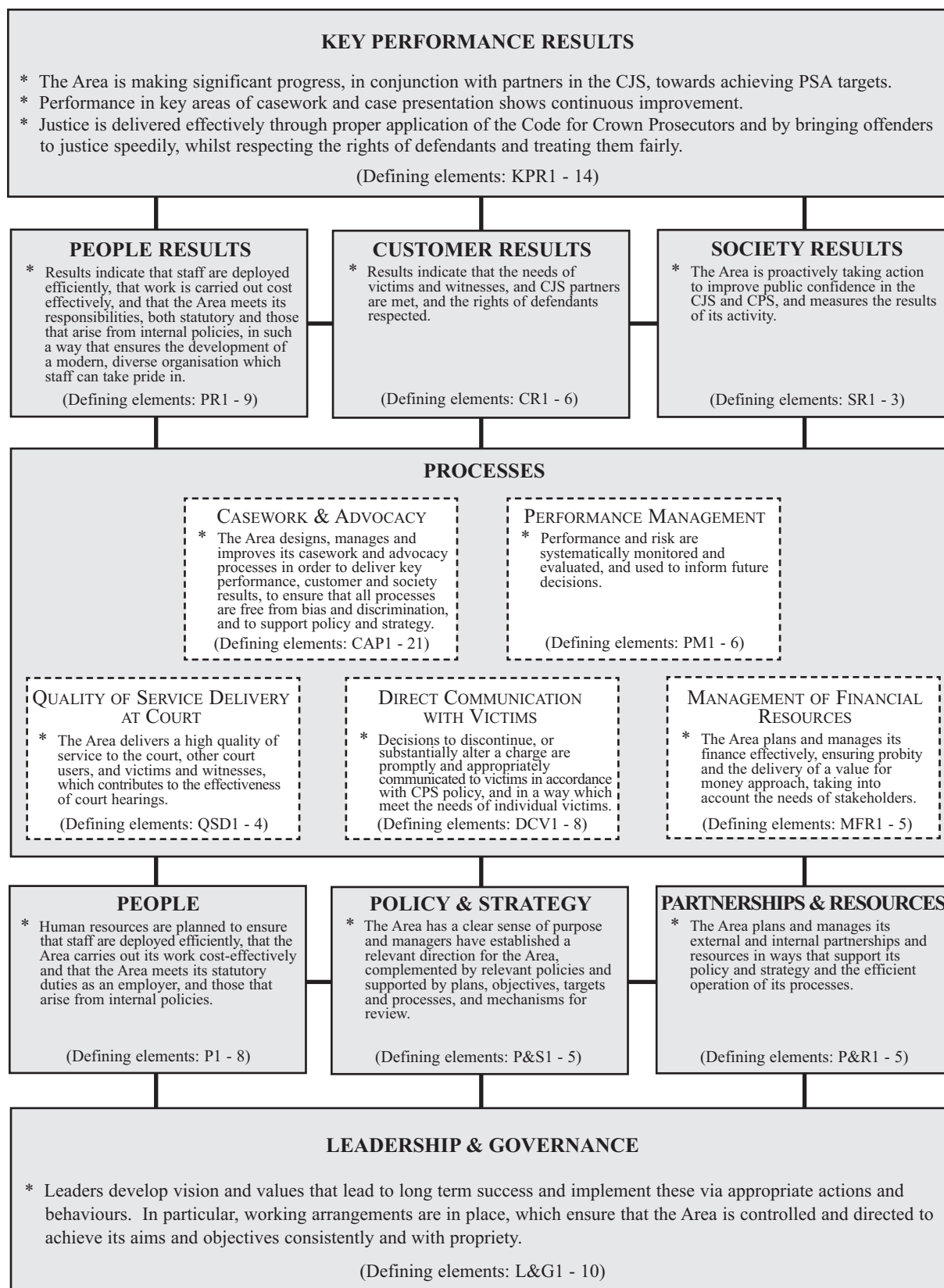
Action plans (L&G5)

- 13.8 The Area Business Plan includes a detailed Action Plan for meeting business objectives. The Plan identifies key issues and strategic priorities. However, as already mentioned, there are no action plans at unit level to give a local focus.

Criminal justice system co-operation (L&G6)

- 13.9 The Area makes a full contribution to inter-agency work, and most partnerships are strong and effective. We have already identified the rubbing point in the relationship, nonetheless, both the police and CPS are continuing to try and resolve the issues together.

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.

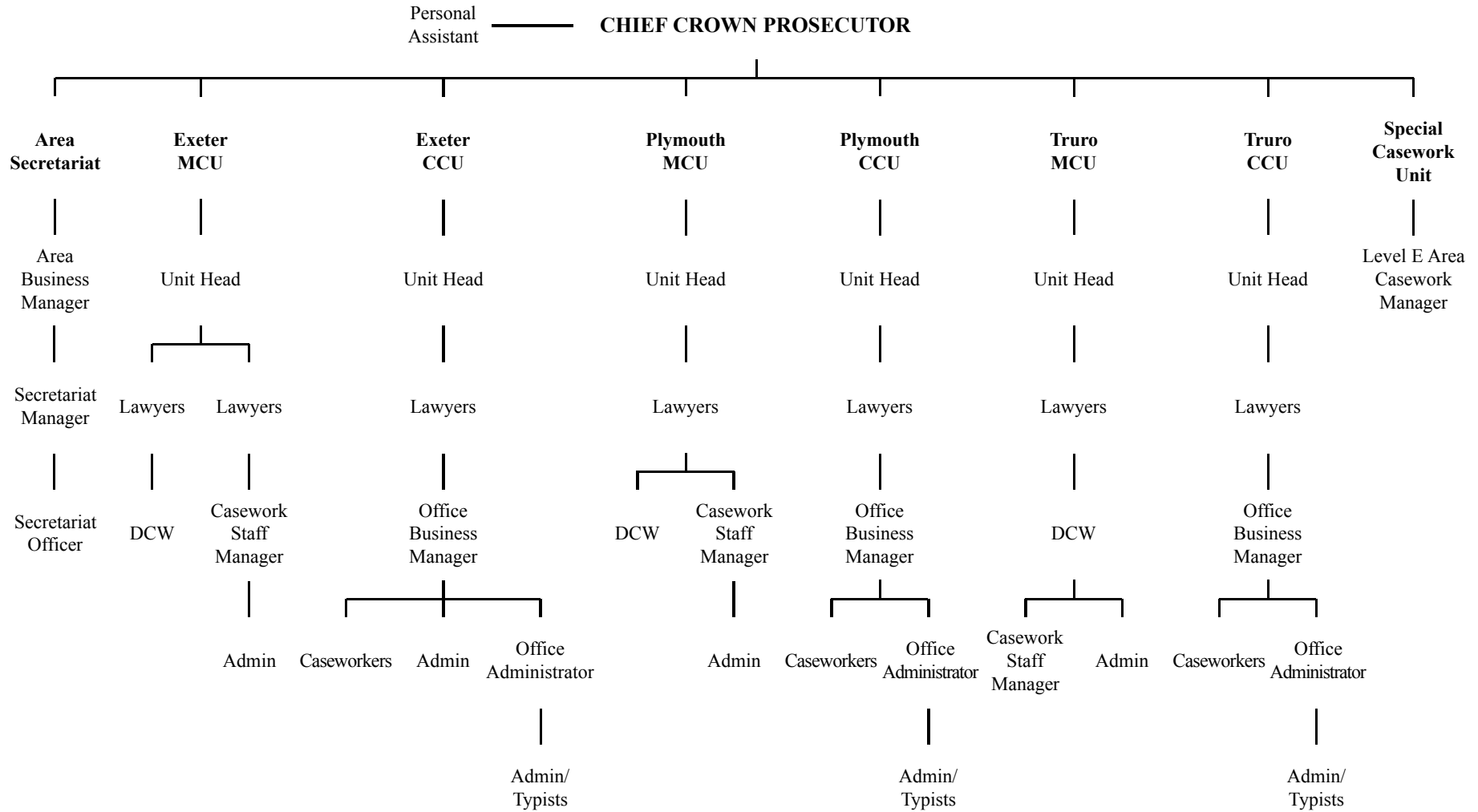
Action plans (L&G5)

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 DEVON AND CORNWALL STAFF STRUCTURE



AREA CASELOAD FOR YEAR ENDING SEPTEMBER 2003

1. Magistrates' Court - Types of case	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Advice	3,627	12.0	194,928	12.4
Summary motoring	4,086	13.6	273,949	17.4
Summary non-motoring	12,151	40.3	563,024	35.8
Either way & indictable	10,228	33.9	525,345	33.4
Other proceedings	54	0.2	17,225	1.1
Total	30,146	100	1,574,471	100

2. Magistrates' Court - Completed cases	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Hearings	21,325	80.6	1,011,743	74.3
Discontinuances	2,539	9.6	165,198	12.1
Committals	1,951	7.4	100,490	7.4
Other disposals	650	2.5	84,884	6.2
Total	26,465	100	1,362,315	100

3. Magistrates' Court - Case results	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Guilty pleas	17,109	79.5	800,525	78.1
Proofs in absence	3,049	14.2	152,757	14.9
Convictions after trial	965	4.5	52,201	5.1
Acquittals: after trial	343	1.6	15,997	1.6
Acquittals: no case to answer	49	0.2	3,053	0.3
Total	21,515	100	1,024,533	100

4. Crown Court - Types of case	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Indictable only	484	21.4	40,200	31.7
Either way: defence election	399	17.7	13,037	10.3
Either way: magistrates' direction	644	28.5	41,997	33.1
Summary: appeals; committals for sentence	732	32.4	31,609	24.9
Total	2,259	100	126,843	100

5. Crown Court - Completed cases	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	1,370	89.7	78,698	82.6
Cases not proceeded with	109	7.1	13,377	14.0
Bind overs	32	2.1	981	1.0
Other disposals	16	1.0	2,171	2.3
Total	1,527	100	95,227	100

6. Crown Court - Case results	Devon & Cornwall		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,041	73.8	59,537	73.6
Convictions after trial	254	18.0	13,119	16.2
Jury acquittals	90	6.4	6,652	8.2
Judge directed acquittals	25	1.8	1,538	1.9
Total	1,410	100	80,846	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS DEVON & CORNWALL		
	March 04	December 01
Lawyers in post (excluding CCP)	49.6	37.8
Cases per lawyer (excluding CCP) per year	607.8	806.5
Magistrates' courts contested trials per lawyer (excluding CCP)	27.3	27.2
Committals for trial and "sent" cases per lawyer (excluding CCP)	30.8 (excludes CFS & Appeals)	43.2
Crown Court contested trials per lawyer (excluding CCP)	7.4	9.8
Level B1, B2, B3 caseworkers in post	31.7	24.6
Committals for trial and "sent" cases per caseworker	48.8 (excludes CFS & Appeals)	66.4
Crown Court contested trials per caseworker	11.6	15
Running costs (non ring fenced)	£4,885,597	£3,964,709

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

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

	RECOMMENDATIONS	POSITION IN MAY 2004
R1	Area managers implement a system of file allocation, which promotes consistency and file ownership (paragraph 3.13).	File ownership is embedded post-charge, particularly in the CCU. However, there is only limited case ownership in pre –charge advice.
R2	Prosecutors select the appropriate charge at the earliest opportunity (paragraph 3.17).	Achieved: significant improvement since last inspection.
R3	Unit Heads analyse information from discontinued cases to ensure that cases are robustly reviewed and either actively pursued or discontinued promptly, as appropriate (paragraph 3.38).	Achieved and results shared with police at quarterly JPM meetings.
R4	Unit Heads ensure that prosecutors make full records of review decisions on files, particularly relating to discontinuance (paragraph 3.58).	Completeness of review endorsements remains variable, although reasons for discontinuance are generally fully recorded. There is only partial use of Compass for recording review decisions.
R5	Area managers identify best practice, with a view to standardising case management systems across the Area (paragraph 4.5).	Not achieved: each office retains distinctive case management systems.
R6	MCU Heads develop an effective system for undertaking the duties of disclosure in all appropriate cases in the magistrates' court (paragraph 4.16).	Not achieved.
R7	CCU Heads develop consistent practices to ensure that caseworkers are involved routinely in the preparation of committal files (paragraph 4.43).	Not achieved: only limited caseworker involvement in some of the CCUs.

	RECOMMENDATIONS	POSITION IN MAY 2004
R8	TU lawyers ensure that instructions to counsel fully address the issues in the case and, where appropriate, the acceptability of pleas (paragraph 4.54).	Quality has improved from 51.7% satisfactory at last inspection to 68.7% at this inspection. However, more can be done.
R9	The CCP works with the Casework Managers to further develop their role in improving casework (paragraph 4.77).	Partially achieved: the one Casework Manager in Area has limited involvement in developing Area casework standards.
R10	MCU Heads increase the deployment of lawyers to undertake trials in the magistrates' courts (paragraph 5.7).	The majority of trials for a day or longer are still covered by agents, but we were satisfied that this represented an appropriate use of agent.
R11	The CCP and ABM review their arrangements for visiting all offices to improve visibility and communication (paragraph 6.8).	Achieved: regular visits are made by the CCP and ABM.
R12	The ABM reviews the business planning process and produces a Business Plan which: <ul style="list-style-type: none"> * Is linked to essential elements such as risk management, training, external liaison and budget; * Incorporates key objectives, that are assigned both responsibilities and timescales; and * Is regularly reviewed (paragraph 6.12). 	Partially achieved: the ABP includes key responsibilities, objectives and milestones, but links to training and the risk register are not fully made.
R13	The CCP and ABM develop and promulgate a firm strategic plan to drive forward the implementation of the Glidewell recommendations on co-location and joint working (paragraph 6.26).	Not achieved as yet, although sites have been identified for Exeter and Plymouth and funding secured. No site has yet been agreed for Cornwall.
R14	The ABM reviews financial delegation authorities and provides clear guidance on their use and limitations to all relevant managers (paragraph 6.36).	Achieved.

	RECOMMENDATIONS	POSITION IN MAY 2004
R15	<p>The ABM draws up a training and development plan which:</p> <ul style="list-style-type: none"> * Is linked with the Area Business Plan and the office Training Plans; and * Takes into account individual training needs, Personal Development Plans and budgetary implications (paragraph 6.46). 	Not achieved: there is no current Training Plan.
R16	The AMG reviews the remuneration, deployment and performance of agents (paragraph 6.54).	Achieved.
R17	The OBMs ensure that timely, consistent and comprehensive notification of witnesses warned to attend the magistrates' courts is provided to the Witness Service (paragraph 6.85).	Achieved.
R18	The ABM undertakes a comprehensive risk assessment of the Truro Office covering health and safety, space and security reviews and ensures that appropriate corrective action is undertaken (paragraph 6.93).	Achieved.
R19	The ABM and OBMs review the format, content and referencing of complaints files and logs to ensure a comprehensive and consistent record (paragraph 6.97).	The logs are now properly maintained, although the Exeter office should adopt the same index format as the other two.
R20	The CCP undertakes a more rigorous form of quality assurance/dip sampling of complaint and correspondence (paragraph 6.101).	Some analysis being carried out by the ABM for the CCP.
R21	The Plymouth MCU Head ensures that a proper recording system is maintained for minor traffic cases (paragraph 6.108).	Achieved.

	SUGGESTIONS	POSITION IN MAY 2004
S1	Unit Heads review the systems for allocating advice files and compare and agree a standard log that records all the required information accurately (paragraph 2.18).	Overtaken by introduction of Compass and the shadow pre charge advice scheme, although some units still maintain a manual log and Compass not being fully utilised.
S2	Unit Heads conduct regular formal monitoring of the quality of informal and formal written advices (paragraph 2.20).	Casework Quality Assurance scheme in place in all save one unit.
S3	Prosecutors ensure that they make full and comprehensive records of grounds for opposing bail and bail decisions in files for every defendant (paragraph 3.22).	Achieved.
S4	Unit Heads ensure that information about the Area's cases, successful or otherwise, is disseminated to staff, so that they all have the opportunity to learn from experience (paragraph 3.52).	Partially achieved: adverse case learning points are regularly disseminated, but not lessons from successful cases.
S5	The Plymouth MCU Head and OBM ensure that all racially motivated cases are recorded correctly (paragraph 3.81).	Not achieved: poor understanding and maintenance of racist incident log still evident at Plymouth office. The other two offices are maintaining the log correctly.
S6	The AMG ensures that local priorities and targets are incorporated into the Area business plan (paragraph 6.15).	Partially achieved: the ABP includes reference to some local priorities, but remains substantially a plan for the Area as a whole.
S7	The ABM ensure that monitoring is implemented wherever practicable in order to gain maximum benefit from the planned performance improvement activities (paragraph 6.31).	Achieved through adverse case and discontinuance monitoring and introduction of casework quality assurance.
S8	The ABM develops a formal communication action plan to assist in focusing on the most effective methods of communication (paragraph 6.51).	Partially achieved: the Area has incorporated a strategy within the ABP, but needs to do more to identify and implement the most effective strategies within the units.
S9	The CCP encourages wider delegation of external liaison responsibilities to staff of all levels (paragraph 6.66).	Achieved: wider range of staff is involved in external liaison although primary role rests still with CCP, ABM and the Unit Heads.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS DEVON AND CORNWALL**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	8
No case to answer	8
Trials	35
Discontinued cases	26
Race crime	(9)
Domestic violence cases	(20)
Child abuse	(3)
Youth trials	(8)
Cracked trials:	
Guilty pleas	8
Discontinued	(8)
Ineffective trials	6
Cases subject to custody time limits	7
Crown Court cases/TU:	
Advice	2
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	26
Judge directed acquittals	5
Trials	34
Child abuse cases	(16)
Race crime	(7)
Domestic violence	(2)
Cracked trials:	
Guilty pleas	7
Discontinued	(7)
Ineffective trials	0
Rape cases	(8)
Street crime cases	(6)
Cases subject to custody time limits	6
TOTAL	178

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

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

Crown Court

His Honour Judge Griggs, Exeter Combined Court Centre
His Honour Judge Rucker, Truro Crown Court
His Honour Judge Taylor, Plymouth Combined Court Centre
Ms P Denham, Acting Court Manager, Exeter Combined Court Centre
Mr D Gentry, Group Manager Western Circuit – West Group
Ms A Mundy, Court Manager, Plymouth Combined Crown Court Centre
Ms K Saunders, Court Manager, Truro Crown Court

Magistrates' Court

District Judge Farmer, Plymouth Magistrates' Court
Mr J Beer JP, Chair of Magistrates' Courts' Committee
Mrs A Davies JP, Chair of East Cornwall Bench
Mr A Ellis JP, Chair of West Cornwall Youth Panel
Mrs J Gorman JP, Chair of Plymouth Magistrates' Court
Mr P Groves JP, Chair of North Devon Youth Panel
Mrs C Hodgson JP, Chair of North Devon Bench
Mr R Jacobs JP, Chair of Central Devon Youth Panel
Mrs M Martyn JP, Chair of West Cornwall Bench
Mr A Martin JP, Chair of Central Devon Bench
Mr J Mills JP, Chair of South Devon Bench
Mr T Parsons JP, Chair of East Cornwall Youth Panel
Mr M Thomas JP, Chair of Plymouth Youth Panel
Mr D Whittaker JP, Chair of South Devon Youth Panel
Mr R Hutley, Justices' Chief Executive
Mr N Lord, Clerk to the Justices, Truro Magistrates' Court
Mr A Mimmack, Clerk to the Justices, Central & North Devon Magistrates' Courts
Mr T Smith, Clerk to the Justices, Plymouth Magistrates' Court

Police

Chief Constable M Wallis QPM
Chief Superintendent A Bibey
Chief Superintendent D Ellis
Chief Superintendent Isaac
Chief Superintendent C Terry
Superintendent S Freeman
Inspector T Galbraith
Inspector R Harrison
Acting Inspector P Shepherd

Defence Solicitors

Mr A Cooper
Mr L Leaning
Mr C Lewis
Mr J Major
Mr S Nunn
Mr J Rickard
Mr P Seigne

Counsel

Mr J Bush
Mr A Maitland
Mr M Edmunds
Mr M Meeke QC
Mr A Oldland

Probation Service

Mrs M McFarlane

Witness Service

Ms T Beer
Mr C Broom
Mrs A Molloy
Mrs C Whitehorn

Victim Support

Ms S Brookes
Ms E Mitchell
Ms P Harvey

Local Crime and Disorder Reduction Partnership

Mr G Coyne
Mr M Miller

Youth Offending Teams

Mrs C Brimicombe
Mr J Cousins
Mr S Moore

Community Groups

Sarah Allum
Ms E Bortey
Mrs M Groves
Susan Penna
Ann Wilkinson

Members of Parliament

Mr G Streeter MP

HMCPsi VISION, MISSION AND VALUES

Vision

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. 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

HMCPsi 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
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

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 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 <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
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
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
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
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