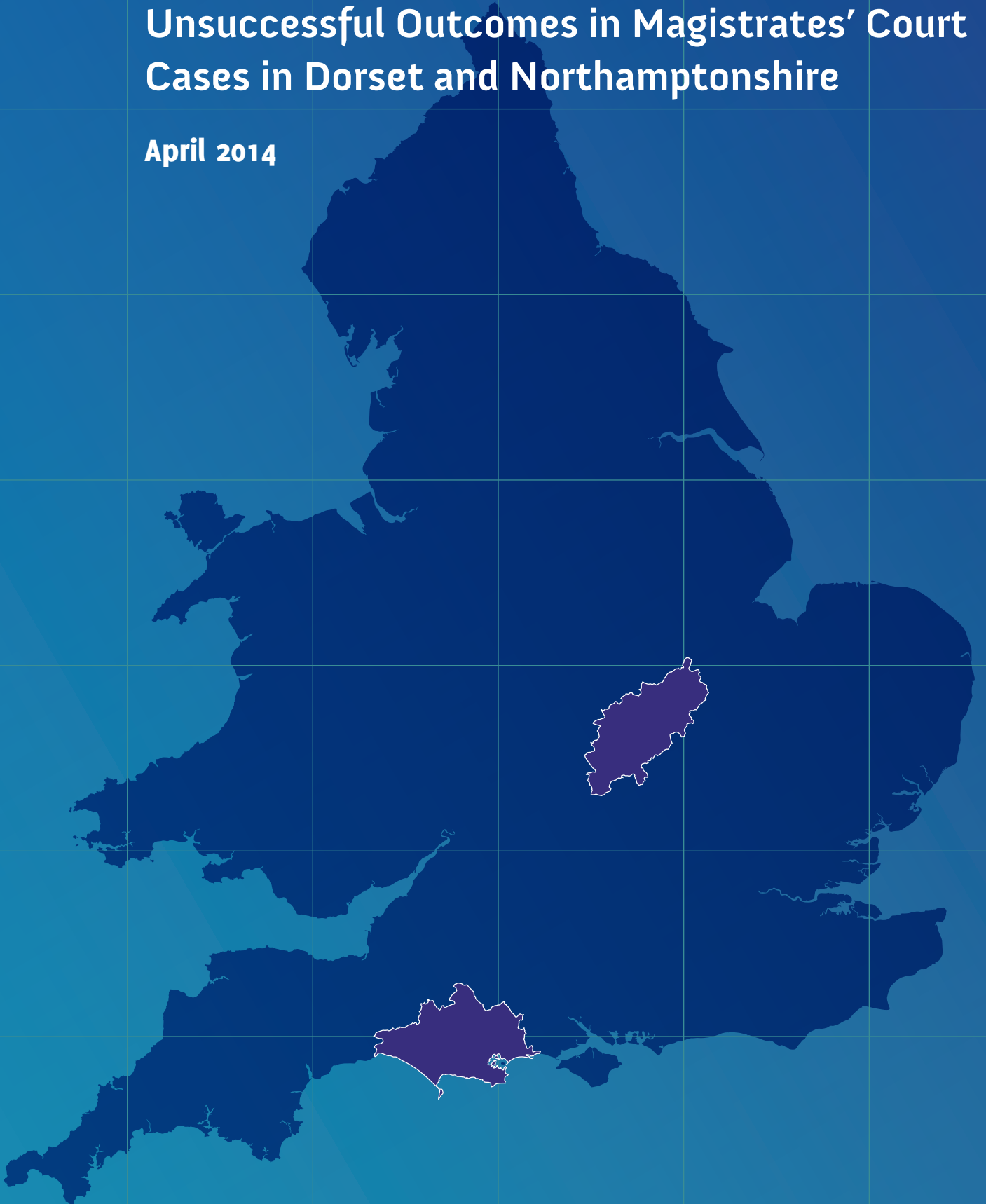




HM Crown Prosecution
Service Inspectorate

HMCPPI Focussed Inspection into Unsuccessful Outcomes in Magistrates' Court Cases in Dorset and Northamptonshire

April 2014





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Chief Inspector's foreword

During 2012 a comprehensive and thorough analysis of the quality of CPS files was undertaken where the performance of all 42 CPS units was assessed and compared. Our evaluation of data revealed that the poor overall unsuccessful outcomes recorded in Dorset and Northamptonshire were inconsistent with other outcomes data and our own file examination findings.

I therefore commissioned an inspection of the CPS Dorset and Northamptonshire units focussed around unsuccessful outcomes in the magistrates' courts. The main aim was to identify the causes of the anomalous outcomes and, where possible, identify how improvements can be made.

In Dorset the unit need to provide better feedback to the police for the reasons behind their decisions to discontinue cases, so the police can learn from this and reduce the number of weak cases at source. In Northamptonshire the unit need to work closely with the courts to reduce the delay in terms of the time and number of hearings in progressing cases. They also need to work with external stakeholders to ensure victims and witnesses are given all possible support.

If their performance is to improve in the magistrates' courts, then as well as improving internal processes through more quality assurance and appropriate resource allocation, the units need to ensure they are working effectively with external stakeholders to progress cases swiftly and efficiently to a successful conclusion.

The adoption of Standard Operating Practices through the CPS Refocusing programme will bring about important changes for the units and their parent Areas and caution must be exercised to guard against weaknesses in performance simply being spread more thinly across the wider Area rather than being tackled robustly at source.

The changes currently in progress should lead to improvements in outcomes.



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Her Majesty's Chief Inspector

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1 Executive summary

1.1 Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) relies on a range of information from various sources including a risk model that is used to help identify which Crown Prosecution Service (CPS) Areas or units are affected by issues that require further investigation. This risk model covers a wide range of measures including case outcomes, financial and other data.

1.2 It was noticed that despite being in the middle of the risk model table, both Dorset and Northamptonshire were near the bottom of another data source, the unsuccessful outcomes¹ table.

1.3 Furthermore, during 2012 a comprehensive and thorough analysis of the quality of CPS files (known as the Annual Casework Examination Programme or ACEP) was undertaken where the performance of all 42 CPS units was assessed and compared. The data collated reflected that the poor overall unsuccessful outcomes recorded in Dorset and Northamptonshire were inconsistent with other outcome data and our ACEP findings.

1.4 It was decided to commission this inspection to try to identify any reasons for this apparent anomaly.

1.5 Dorset was formerly an Area in its own right. As part of national restructuring in 2011 (the CPS Refocusing strategy, involving a reduction from 42 to 13 Areas), it became part of the CPS Wessex Area, which now comprises the Hampshire, Dorset and Wiltshire units. Similarly, Northamptonshire has become a part of CPS East Midlands which comprises the Nottinghamshire, Derbyshire, Lincolnshire, Leicestershire and Northamptonshire units.

1.6 In the business year 2012-13, in the magistrates' courts the national average attrition rate² was 13.8 per cent (96,672 cases out of 700,405). In the same period Dorset had a magistrates' court attrition rate of 17.6 per cent and Northamptonshire 15.2. If the two units were to have rates in line with the national average, this would equate to 243 more successful outcomes in Dorset and 106 in Northamptonshire. We are therefore looking at relatively small numbers of cases that separate the units from the national average. Reaching the national figure, however, should not be seen as being successful in itself. CPS Headquarters recognises that there is room for improving the national average attrition rate. It is also important to register the fact that many of these cases involve victims and witnesses, for whom their particular case is significant.

¹ An unsuccessful outcome is any case which, after being charged, does not result in either a guilty plea or the conviction of the accused.

² The attrition rate is the proportion of completed defendant cases which result in an unsuccessful outcome. It is a measure of success in prosecuting defendants. The lower the percentage, the better the success rate.

	Total attrition	Total discontinued	Total guilty pleas	Total convictions	Total caseload	Attrition rate
National	96,672	67,635	477,675	603,733	700,405	13.8%
Dorset	1,130	929	4,856	5,295	6,425	17.6%
Northamptonshire	1,141	755	5,421	6,357	7,498	15.2%

1.7 Inspectors began by looking at the performance data for the two units. We considered whether violence against women³ or any other particular type of case might account for an unusually large percentage of the overall caseload or the overall unsuccessful outcome rate.

³ The CPS Violence Against Women strategy is an overarching framework to address crimes that have been identified as being committed primarily, but not exclusively, by men against women. It is an umbrella for a set of crime types that have a pattern related to gender. The nature of the offending and the individuals involved are often cited as reasons why these are considered a cause of high attrition rates.

1.8 We also considered the attrition rates for cases that have been subject to a pre-charge decision (PCD) from a CPS lawyer and compared that with the attrition rate for non-PCD cases (those charged by the police). For both PCD and non-PCD cases, both Dorset and Northamptonshire are amongst the poorest performing four CPS units. It is not possible to say that either police charged or CPS charged cases alone are the chief cause of the poor outcomes.

PCD attrition					
	Successful	Unsuccessful	Total PCD	PCD attrition	Rank (out of 42)
National	113,868	32,070	145,938	22.0%	-
Dorset	905	307	1,212	25.3%	40
Northamptonshire	1,054	352	1,406	25.0%	39

Non-PCD attrition					
	Successful	Unsuccessful	Total non-PCD	Non-PCD attrition	Rank (out of 42)
National	501,719	67,575	569,294	11.9%	-
Dorset	4,482	838	5,320	15.8%	40
Northamptonshire	5,501	827	6,328	13.1%	38

Violence against women				
	Attrition	Finalised	%	Rank (out of 42)
National	5,601	20,826	26.9%	–
Dorset	60	223	26.9%	29
Northamptonshire	53	179	29.6%	39

1.9 We then looked at the attrition rate in cases of violence against women for Q4 2012-13, which are often cited as a cause of high attrition rates (see footnote 3, page 2). In Dorset, the attrition rate was 26.9 per cent which was the same as the national average. In Northamptonshire however, the rate was 29.6 per cent, but this only equated to a difference of five cases.

1.10 Both Dorset and Northamptonshire have unsuccessful outcome rates that are above the national average. The reasons for such outcomes are complex and there is no one thing that results in the variation.

1.11 In Dorset, there appear to be a combination of reasons which include poor charging decisions by the police, especially in relation to motoring matters, and also some less robust decisions to discontinue⁴ made by CPS lawyers.

⁴ Discontinuance is when a decision is taken by a CPS lawyer that a case which had previously been charged (or summonsed) should not be proceeded with. The discontinuance notice should be preceded by a notice of proposed discontinuance in which the prosecutor notifies the police of the intention to discontinue and the reasons for doing so, thus providing the police an opportunity to respond and possibly remedy any deficiencies in the case.

1.12 The lack of Prosecution Team Performance Management⁵ (PTPM) meetings with the police means that feedback to the police is not as frequent or comprehensive as it could be.

Opportunities to advise the police of the reasons for discontinuances are not taken. The failure to provide detailed notices of proposed discontinuance exacerbates this problem and results in the police using limited resources to investigate matters that will eventually be discontinued. This then creates extra work for CPS lawyers which could easily be avoided by providing proper feedback to the police at an earlier stage.

1.13 In Northamptonshire, reasons for the unsuccessful outcome rate being above the national average are more complex and not as easy to identify.

⁵ Prosecution Team Performance Management is joint analysis of performance by the CPS and police locally. It is used to consider the outcomes of charging and other joint processes.

1.14 There is an issue with the length of time it takes from charge to conclusion of a case. This is partially down to long-standing listing difficulties and is being looked at by the CPS and Her Majesty's Courts and Tribunals Service (HMCTS)⁶. The number of hearings per case in Northamptonshire is also above the national average. This supports the contention that the lawyers at court and some legal advisors are not being as proactive as they could be. The Area had identified this as an issue and had provided training to advocates shortly before we attended on-site for the inspection, to try to improve their proactivity at court.

1.15 The length of time it takes from charge to concluding a case affects the willingness of victims and witnesses to attend a trial. This is evidenced by the number of cases in Northamptonshire which were unsuccessful owing to the key victim or witness no longer supporting the case. The Area needs to work with partner agencies to ensure victims and witnesses receive appropriate and effective support. In addition, the Area realise that they need to rebalance the resource distribution between initial reviews and pre-trial file reviews.

⁶ HMCTS provides support for the administration of justice in courts and tribunals.

Recommendations

Dorset

1 Feedback should be provided to the police on police charged cases that are discontinued, identifying reasons for the discontinuance (paragraph 2.18).

2 The Area should reinstate Prosecution Team Performance Management meetings with the police (paragraph 2.18).

3 The Area needs to ensure there is effective regular monitoring by senior management of discontinued cases and that lessons learned and trends identified are acted upon (paragraph 2.27).

Northamptonshire

1 The CPS needs to review with its partner agencies the contact with and support given to victims and witnesses (paragraph 3.12).

2 The CPS needs to work with HM Courts and Tribunals Service to minimise delays in listing cases for trial (paragraph 3.12).

3 The Area should review the allocation of lawyers between initial review and trial review teams to ensure the optimum balance is obtained (paragraph 3.17).

2 Dorset

2.1 At the time of our visit, the CPS office in Bournemouth was about to close with some staff moved into the Eastleigh office. This will affect future working as there will be no separate Dorset magistrates' court unit. Instead there will be an Area-wide system with locally based advocacy units and a central case preparation unit for the whole of the Wessex Area.

Out of court disposals

2.2 Within the whole of CPS Wessex there is multi-agency support for the use of out of court disposals⁷ (OOCs). The police forces are similarly supportive of their use as an alternative to prosecution. Dorset Police are currently setting up a multi-agency OOC Scrutiny Panel to regularly look at a sample of OOCs to ensure they have been applied correctly, which should increase the levels of public satisfaction with this process.

2.3 The police are able to authorise most OOCs without coming to the CPS for a decision. Prior to recent changes in the Director's Guidance on Charging⁸, the police were required to seek CPS consent before conditional cautions could be imposed for any offences. The data for 2012-13 covers both the period prior to this change as well as after it.

2.4 From the data for 2012-13, the CPS in Dorset authorised OOCs (usually conditional cautions) more often than any other CPS unit.

2.5 Cases that are dealt with by OOC are those where the offender has admitted their involvement and, if the case had been charged, would be expected to result in a guilty plea. The diverting of these cases away from the courts means there is a reduction in the number of cases resulting in a guilty plea that are handled by the CPS. This has a significant effect on the unsuccessful outcome rate for the CPS as the proportion of unsuccessful outcomes cases increases.

7 Out of court disposals are an alternative to prosecution in court. A variety of disposals are available to the police and CPS. These offer low-risk and (subject to relevant guidance) mostly first time offenders, the chance to get help or to make reparation without the stigma of a court appearance and criminal conviction.

8 The Director's Guidance on Charging is the guidance issued by the Director of Public Prosecutions (DPP) to lawyers making pre-charge decisions. The latest edition was published in May 2013. www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

Magistrates' court unsuccessful outcomes in Dorset by case category						
Principal offence category	National	% of unsuccessful outcomes	Dorset	% of unsuccessful outcomes	No of cases if % same as national average	Difference
Offences against the person	27,329	28.4	363	32.2	320	43
Motoring offences	21,704	22.6	294	26.1	255	39
Total unsuccessful outcomes	96,177	100	1,128	100	-	82

Case type

2.6 When the unsuccessful outcomes figures obtained from the CPS database for the business year 2012-13 are broken down by offences and compared to the national average, it becomes apparent that Dorset has a higher percentage of their unsuccessful outcomes in motoring cases (26.1 per cent compared to the national average of 22.6) and offences against the person (32.2 per cent compared to the national average of 28.4). If the outcomes for motoring cases were in line with the national average then this would result in 39 fewer unsuccessful outcomes and for offences against the person there would be 43 fewer unsuccessful outcomes.

Motoring offences

2.7 The CPS nationally has changed its basis for counting unsuccessful outcomes in 2013-14 to exclude motoring cases. This will inevitably lead to an apparent improvement in the figures for Dorset as the unit's performance in this type of case is worse than the national average.

2.8 The unit indicated that there were a number of motoring cases relating to the offence of the registered keeper failing to disclose the driver's identity (commonly known as S172 offences). These cases were summonsed by the police and subsequently discontinued by the CPS as there was insufficient evidence that the police had followed the correct procedures. In other words, these prosecutions should not have been instigated in the first place.

2.9 However, the discontinuances count towards unsuccessful outcomes and therefore increase the unsuccessful outcome rate for the unit. If these cases had not been charged (or summonsed) the number of unsuccessful outcomes, and hence the unsuccessful outcome rate, would have been lower.

Decision-making at the charging stage

2.10 We chose a sample of 41 Dorset files selected from unsuccessful outcomes cases that had been marked on the CPS's computerised case monitoring system as finalised with one of the following codes. These were selected because they showed the greatest variation from the national average:

- E7 - Essential legal element missing
- E9 - Key victim does not support the case
- P17 - Very small or nominal penalty (would have been imposed)

We read these files to try to ascertain any trends in the causes of unsuccessful outcomes.

2.11 Of the 41 files there were seven that, in the view of the HMCPSI inspector, did not comply with the Code for Crown Prosecutors⁹ (the Code) when the charging decision was made. Of these, six charging decisions were made by the police and the other by the CPS. These cases were all finalised by the CPS with the reason code E7 – Essential legal element missing.

⁹ All charging decisions by the CPS or the police must comply with the Code for Crown Prosecutors. The Code is a public document, issued by the Director of Public Prosecutions, that sets out the general principles Crown Prosecutors should follow when they make decisions on cases. Any successful Code test compliance rate which is less than 93 per cent is assessed by the Inspectorate as poor. www.cps.gov.uk/publications/code_for_crown_prosecutors/

File sample findings	Yes	No	Not known	Not applicable	Total
The decision to charge was compliant with the Code test	33 (80.5%)	7 (17.1%)	1 (2.4%)	0	41 (100%)
The pre-charge decision applied the correct Code test (Full or Threshold)	40 (97.6%)	0 (0%)	1 (2.4%)	0	41 (100%)
Did the action plan meet a satisfactory standard	7 (87.5%)	1 (12.5%)	0 (0%)	33	41 (100%)
Would the file reader have made the same charging decision including charges	27 (65.9%)	13 (31.7%)	1 (2.4%)	0	41 (100%)

2.12 When we considered whether the reviewing HMCPSI inspector would have made the same charging decision in these 41 files, the number we disagreed with increased to 13, approximately one third of the file sample. Of these, 12 were police charged cases. These were cases where, although the HMCPSI inspector in the position of the charging lawyer would not have charged the case, it could not be said that the decision was one that no reasonable prosecutor might have reached. Of these 13 cases, all bar one were finalised with the reason code E7 – Essential legal element missing. The remaining case, a police charged one, was finalised with P17 – Very small or nominal penalty (would have been imposed).

2.13 If this level of poor police decision-making was replicated across all the unsuccessful outcome files, it would suggest that there are a significant number of files which are being wrongly charged and go on to become unsuccessful outcomes.

Police liaison

2.14 Although these are charging decisions made mainly by the police, the CPS should be reviewing these cases before the first hearing and, where appropriate, discontinuing them. Our file reading and the interviews with CPS management indicated this was happening in most instances. However, the CPS was not feeding back to the police why these cases had been discontinued or what actions the police should take in future to try to ensure such cases had successful outcomes.

2.15 The Area indicated that in many cases now they did not prepare the form DP1 (notice to police of intention to discontinue a case) or provide detailed feedback in the letter notifying the police that a case had been discontinued. This was said to be a pragmatic decision owing to time pressures on lawyers.

2.16 Interviews with the police confirmed that they only rarely received the DP1 forms and rarely got feedback from the CPS as to why individual cases had been discontinued.

2.17 PTPM meetings no longer routinely take place. These would provide an opportunity for the CPS to feedback to the police about inappropriate charging decisions.

2.18 Whilst the relations between the police and CPS remain cordial, there is a lack of learning and feedback between them. Examples of this are highlighted by the number of traffic prosecutions commenced by the police in relation to the failure of registered keepers to identify a vehicle's driver. Prosecutions are sometimes commenced by police despite there not having been a valid S172 notice served on the registered keeper of the vehicle, as is required by statute. Despite the CPS being aware of the problem this has not been fed back to the police in such a way as to prevent such flawed prosecutions being commenced.

Recommendations

Feedback should be provided to the police on police charged cases that are discontinued, identifying reasons for the discontinuance.

The Area should reinstate Prosecution Team Performance Management meetings with the police.

Discontinuance

2.19 Whilst the number of police charged cases that are discontinued affects the unsuccessful outcome rate, the unit also performs worse than the national average in the percentage of cases discontinued that have had the initial charging decision made by a CPS lawyer (PCD cases). In the business year 2012-13 the Area discontinued 22.4 per cent of PCD cases compared to a national average of 16.1 per cent, which ranks the unit 42nd out of 42.

2.20 Inspectors would not have made the same discontinuance decision as the reviewing lawyer in 11 out of the 41 files. In eight cases, the decision was made to discontinue. In the majority of these eight, the decision to discontinue was seen by inspectors as a weak one and taking the 'path of least resistance'. These were cases in which there was an arguable defence, but there was still a reasonable prospect of a conviction. In one case inspectors did not have sufficient information from the CPS computerised file to reach a conclusion about the quality of the decision to discontinue.

2.21 Conversely, in the remaining three files CPS lawyers at the trial review stage decided to continue cases which were later discontinued at court. If these had been discontinued earlier they would still have resulted in an unsuccessful outcome.

2.22 In accordance with national guidelines, unit managers do not now expect lawyers to get their authorisation before discontinuing cases. This enables prosecutors, especially at court, to make swift decisions. However in the absence of sufficient scrutiny and monitoring, it can lead to weak decisions to drop cases.

Case example

In one case, two 17 year old youths in the care of the local authority were arrested for stealing alcohol and condoms from a supermarket. The youths admitted the offences in interview under caution.

At the time of the offence they were both subject to referral orders from the youth court for other offences.

The charging lawyer authorised charges of theft.

At court the CPS advocate chose to discontinue the case citing that the defendants would only get a small or nominal penalty as they were subject to a referral order. Offending whilst subject to an existing order is usually regarded as an aggravating rather than a mitigating factor.

File sample findings

	Yes	No	Not known	Total
Would the file reader have proceeded on the same charges/discontinued the case as the CPS did	29 (70.7%)	11 (26.8%)	1 (2.4%)	41 (100%)

2.23 The fact that the defendants had admitted the offence, which occurred whilst subject to recently imposed court orders, was given insufficient weight when considering whether to proceed with the case. The decision to discontinue could be seen as affording to offenders a level of immunity from prosecution for offences committed during the currency of referral orders.

2.24 During interviews with inspectors the unit's manager indicated that they were aware some decisions to discontinue cases were not as robust as they should be. Although Core Quality Standards¹⁰ Monitoring¹¹ (CQSM) of files from Dorset is carried out by the Unit Head, there is little evidence in Dorset of it being used as an aid to improving performance. One view expressed to inspectors was that the lawyers in Dorset are risk-averse and, rather than risk an acquittal after trial, were pre-empting this by erring on the side of caution and discontinuing cases before trial. This view was supported by the findings of our file examination.

2.25 The monitoring of unsuccessful outcomes is not comprehensive in Dorset owing to time constraints. Adverse outcome forms are only looked at by the Unit Head on a dip sampling basis every three months. This level of scrutiny is considered inadequate by inspectors.

2.26 The merging of the Dorset lawyers into an Area-wide magistrate's court preparation unit is intended by the Area to have a positive effect on the robustness of their decision-making. However, inspectors are concerned that the weaker decisions of some lawyers will become diluted amongst the larger Area-wide caseload.

2.27 The improvements in performance hoped for as a result of the relocation to Eastleigh will not, however, impact on the Dorset-based advocacy unit, whose prosecutors will still be able to discontinue cases at court.

Recommendation

The Area needs to ensure there is effective regular monitoring by senior management of discontinued cases and that lessons learned and trends identified are acted upon.

¹⁰ The CPS standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

¹¹ The CPS system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance.

3 Northamptonshire

3.1 The CPS office in Northampton was closed in June 2013 and the team relocated to Leicester, where the case preparation functions have been merged with those of Leicestershire. This was done as part of the CPS Refocusing strategy.

3.2 We initially looked at the unsuccessful outcome data for the period 2012-13 to try to identify any apparent indicators as to why the district had poor outcomes.

Case type

3.3 When the unsuccessful outcomes are broken down by offence type and compared with the national average, it becomes apparent that Northamptonshire has a higher percentage of their unsuccessful outcomes in theft and handling cases (14.9 per cent compared to the national average of 10.3) and criminal damage cases (8.6 per cent compared to 5.4). If the outcomes for theft and handling cases were in line with the national figure this would result in 52 fewer unsuccessful outcomes and for criminal damage would result in 37 fewer.

3.4 We were unable to identify any specific reasons why the unsuccessful outcome figures for these two categories of case were worse than the national average. It may be that the delay in bringing cases to trial (as discussed below) is a factor, but this is not borne out in relation to cases such as offences against the person which also have direct victims.

Finalisation codes

3.5 We identified a number of finalisation code outcomes that were higher than the national average. These included:

- E7 - Essential legal element missing
- E9 - Key victim does not support the case
- E10 - Key witness does not support the case
- O34 - Acquittal after trial
- P20 - Caution more suitable
- P21 - Youth of offender

Magistrates' court unsuccessful outcomes in Northamptonshire by case category						
Principal offence category	National	% of unsuccessful outcomes	Northants	% of unsuccessful outcomes	No of cases if % same as national average	Difference
Theft and handling	9,944	10.3	169	14.9	117	52
Criminal damage	5,203	5.4	98	8.6	61	37
Total unsuccessful outcomes	96,177	100	1,133	100	-	89

Reason	Number of cases finalised by unit	% of unsuccessful outcomes	National %	Notional unit cases finalised if at national %	Difference between notional and actual finalisations
E9 Key victim does not support the case	103	9.0	4.2	48.1	54.9
O34 Acquittal after trial	220	19.3	16.9	192.8	27.2
P21 Youth of offender	17	1.5	0.3	3.5	13.5
E7 Essential legal element missing	176	15.5	14.3	163.0	13.0
E10 Key witness does not support the case	24	2.1	1.0	11.4	12.6

3.6 If the O34 and E9 outcome codes were in the same proportion as the national average, then this would result in 82 more successful outcomes (E9 = 55 cases, O34 = 27 cases). If the Area had achieved successful outcomes in 106 of the unsuccessful outcomes they would have recorded an unsuccessful outcome rate equal to the national average.

Victim and witness care

3.7 Northamptonshire in 2012-13 was 40th out of 42 CPS units in the length of time it took from charge to finalisation of cases in the magistrates' court, taking on average 123.6 days compared to the national figure of 86.5 days.

3.8 The proportion of unsuccessful outcomes where the reason code is E9 - Key victim does not support the case and E10 - Key witness does not support the case is indicative of victims and witnesses losing interest in their case or faith in the criminal justice process as a result of the delay in bringing the case to trial. It is generally accepted that the longer a case takes to get to trial, the more likely it is that victims or witnesses will no longer support a prosecution.

3.9 There is a vicious circle created when there are lengthy delays in getting cases to trial. These delays encourage more defendants to plead not guilty in the hope that witness or other problems will arise during the delay; as is signified by the figures above for finalisation entries E9 and E10. This increases the number of cases needing to be listed for trial and thus lengthens the time taken for a trial date to become available.

3.10 The average number of hearings per contested case in Northamptonshire is 3.89 in the latest quarter 4 2012-13, compared to a national average of 3.81. This is a small increase, but is important as it is an indicator that trials are not progressed at the first time of listing. This is reinforced by the figures for the average number of hearings in guilty plea cases. The national average is 1.93 hearings per case in quarter 4 2012-13 compared to 2.25 in Northamptonshire. These figures provide support for the view that CPS lawyers are not being as proactive at the first hearing as possible. It should be possible in almost all cases to take a plea and, if necessary, list a case for trial at the first hearing. This contributes to delay in cases.

3.11 The CPS indicates that there have been listing issues in the past in Northamptonshire and HMCTS also confirms this. In recent times HMCTS and the Area have worked more closely together to try to arrange listing patterns that satisfy the needs of both agencies.

3.12 HMCTS accepts that in the past some court clerks have not been as proactive about case management as they could have been. This, together with a lack of proactivity on the part of CPS advocates, has resulted in cases not proceeding as quickly as possible to plea and/or trial.

Recommendations

The CPS needs to review with its partner agencies the contact with and support given to victims and witnesses.

The CPS needs to work with HM Courts and Tribunals Service to minimise delays in listing cases for trial.

Advocacy

3.13 The unit's managers have confirmed in interviews with inspectors that they had already identified that their advocates at court are not as proactive as they could be and had recently delivered training to them in the form of a refresher review of the Stop Delaying Justice!¹² initiative. This training had been delivered before the inspection took place. Advocates at court are expected to progress cases as promptly as possible. This may include opposing applications by the defence for adjournments in appropriate circumstances and requesting the court take pleas at the earliest possible hearing and try to agree which witnesses need to be called and which witnesses' statements can be read to the court.

Structure of case review teams

3.14 The Northamptonshire case preparation unit has now been merged with the Leicestershire team and all cases are prepared from the Leicester office. This move happened during 2013.

3.15 Prior to the merger there was one lawyer who reviewed cases for first hearing, aiming to identify and deal with weak cases. It was also intended for there to be two lawyers preparing cases for trial on a daily basis, but owing to abstraction they rarely had the full complement of lawyers working on case preparation.

3.16 Following the merger all new cases are reviewed by two lawyers before the first hearing. The lawyers reviewing the first hearing cases have a very high workload but if additional resources could be directed to these initial reviews, it would enable a more robust approach to be taken at this stage. This would hopefully increase the number of weak cases that can be identified, which could then be discontinued at an early stage. This in turn would reduce the number of cases being listed for trial and have the dual effect of reducing delay in listing a case for trial, as well as freeing up lawyer time for the preparation of cases that are listed for trial.

3.17 All cases listed for trial are subsequently reviewed each day. At the time of our inspection cases were being prepared approximately one month before trial, which is further ahead than in some CPS Areas. The Area confirmed to inspectors that they had identified that the balance of lawyer resource between initial and trial review needs to be reconsidered.

Recommendation

The Area should review the allocation of lawyer resources between initial review and trial review teams to ensure the optimum balance is obtained.

¹² Stop Delaying Justice! is an initiative led by the judiciary in the magistrates' courts. The aim is that all contested trials in the magistrates' courts are fully case managed at the first hearing and disposed of at the second hearing.

Annexes

A Methodology

Inspectors began by looking at the performance data for the two units. We considered if the make-up of caseload in each unit compared to the national average had significantly affected the unsuccessful outcome rate. We also considered the breakdown of cases between police charged and CPS charged.

We then selected a sample of approximately 40 files from each unit using finalisation codes where there was a significant variation from the national average. These files were read to try to identify why the case had been unsuccessful and what, if anything, could have been done to prevent the unsuccessful outcome.

CPS managers in each unit and local police representatives involved in case file preparation were interviewed on-site to obtain their views.



B Performance data

Detailed breakdown of finalisations for 2012-13		
Disposal category	Dorset	Northamptonshire
Guilty plea	4,782	5,332
Guilty plea and conviction after trial	61	77
Guilty plea and dismissed after trial	13	11
Guilty plea and no case to answer	-	1
Conviction after trial	331	266
Proved in absence	108	670
Total successful outcomes	5,295	6,357
Discontinued	458	379
Offered no evidence	281	217
Withdrawn	189	157
Prosecution stayed	1	2
Admin finalised	112	121
Dismissed after trial	80	231
No case to answer	8	28
Discharged committal	1	6
Total unsuccessful outcomes	1,130	1,141



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