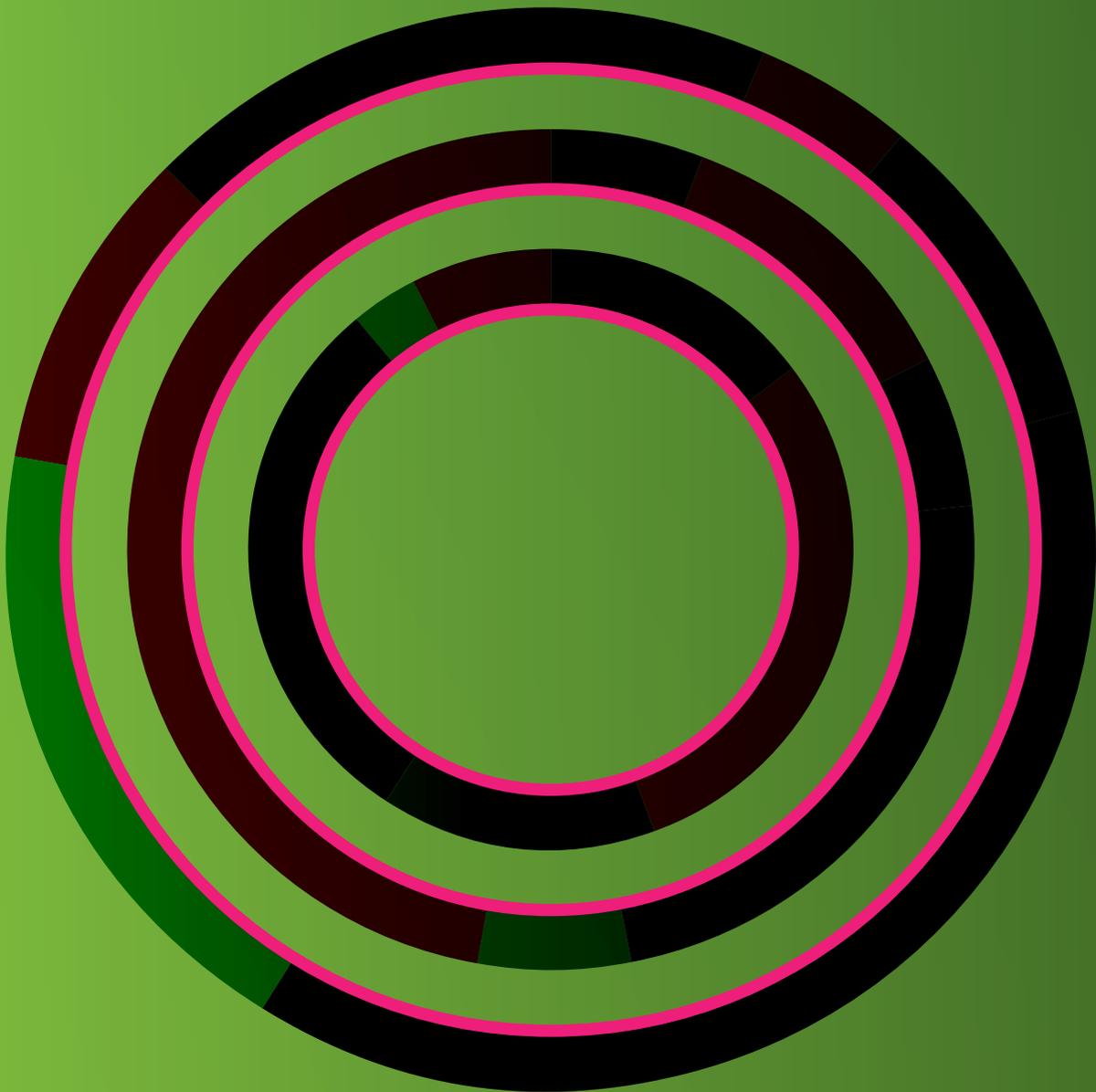




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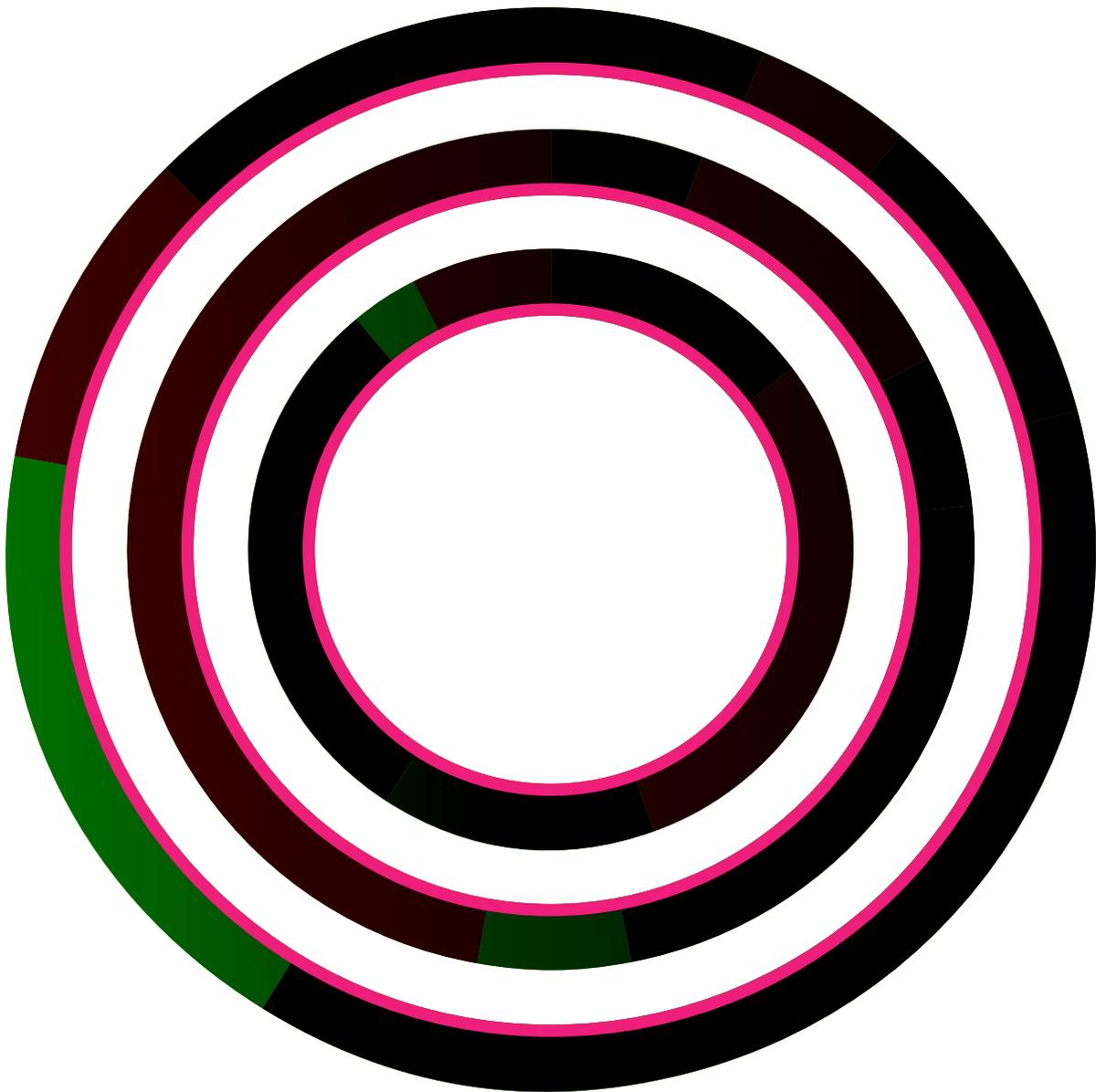
Thematic Report on CPS Assurance and Performance

November 2013



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Chief Inspector's foreword

Recent inspections of the CPS have highlighted inconsistent processes relating to assurance and performance management and I therefore considered that the time was right to undertake a more detailed thematic inspection of these aspects.

This inspection found that the CPS assurance regime is broadly in line with the Treasury's assurance framework guidance but there are some aspects which can be improved. Strategic assurance and performance measures are generally fit for purpose and proportionate.

There are good systems in place at Headquarters level to provide external independent challenge on controls and for holding the CPS Board to account. Area level systems for risk are more variable and require some review.

Responsibilities for assurance and performance are clearly defined and generally most managers are aware of their responsibilities, although knowledge, skills and compliance by some managers, particularly concerning data interpretation, need improving. The CPS is currently running a management development programme which should help develop the skills sets of managers. We found that the role of the Area Performance Manager is variable and the requirements of the role need to be considered.

There is a wealth of performance data available to managers to assist them in their role. Work is being undertaken to make improvements at the operational level; however there is scope to make better use of data to inform decision-making. Compliance issues require remedial work and a more collaborative approach with partners is necessary to assist with improvement of service delivery. Previous HMCPSI reports and other independent assurance scrutiny continue to provide an essential objective and independent oversight to the CPS assurance landscape.

This report provides an overview of current CPS assurance and performance systems and account has been taken of the substantial and continuing change the Service is experiencing, particularly in an environment of reduced funding. Inspectors have made a number of recommendations which are designed to complement the current refocusing work being undertaken by CPS.



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Her Majesty's Chief Inspector



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1 Executive summary

1.1 This inspection examined the systems of assurance and performance management in respect of Crown Prosecution Service (CPS) front line delivery.¹ The inspection did not look at wider national governance and therefore issues such as finance, human resources and policy were outside the scope of this inspection. In addition the inspection did not undertake any detailed auditing of CPS systems and processes against standards or guidelines.

Findings

1.2 At the strategic (Headquarters) level there are sophisticated systems and processes to support the assurance regime and inform corporate risks, which is broadly in line with the Treasury's assurance framework guidance. At an operational level all CPS areas have assurance systems and processes in place, however there are some aspects which can be improved and more efficiencies made, including systems and processes, quality issues, lack of compliance and sharing of good practice.

1.3 The CPS has developed an extensive range of performance data and implemented a number of weighted measures and core quality standards which help the CPS focus on and compare performance nationally. There was generally good awareness by area and casework division staff of performance and achievements although some skills gaps in analysis and identifying root causes of concerns were evident among managers. The role of the Area Performance Manager is variable across the country and needs to be reviewed in order to ensure a more standard approach is adopted and consistency in the level of skills maintained.

1.4 The annual certificate of assurance provided by CPS areas and casework divisions informs the compilation of the CPS Governance Statement to Parliament. However, practical use of the certificate of assurance is limited and there is no evidence that Chief Crown Prosecutors (CCPs) or Heads of Divisions are called to account for its content when systems fail or performance is weak.

1.5 There is some duplication of corporate risks at area level even though areas have little influence over reducing or eliminating such risks. In relation to front end matters some area risks do not have clear countermeasures and review is weak.

1.6 Whilst all areas had checks for casework matters, other system checks for quality and compliance were less systematic and not always robustly tackled. Productivity and performance measures of some units or functions, such as case progression, were weak which made it difficult to gauge improvements or identify gaps in performance of units or individuals. We also found instances where the need to meet weighted measures without considering other drivers, often hampered a culture of continuous improvement from developing.

1.7 It is commendable that the CPS is investing in a management development programme which should address some of the issues around managing staff performance, although additional training on the effective use of performance data would add further value.

¹ We considered front line services in the context of this report to be charging; case progression; presentation at court; customer focus; and partnerships and stakeholders.

1.8 Performance management with criminal justice partners is inconsistent even though their impact can be significant on CPS performance outcomes. At the strategic level good links have been made to improve service delivery but at area level, partnership arrangements regarding the assessment of performance are less cohesive. There are particular issues with the effectiveness of the prosecution team performance management system,² which the CPS needs to review in collaboration with its partners. Provision of data for joint performance management is also variable across the country and there are still issues with competing priorities.

Conclusion

1.9 The inspection took place during continuous major changes facing the CPS and its partners. During all of the significant changes since our last inspection on performance in 2005,³ the CPS has had to adapt, develop and evolve its assurance and performance systems to meet these challenges. To a large extent this has been successfully achieved and is proportionate to its aims, taking into account an environment of reduced funding. The systems appear proportionate and comprehensive but they have been applied with varying degrees of effectiveness. This inspection shows that there are still weaknesses that need to be addressed including the need to develop a continuous learning culture and to identify potential efficiencies.

² Joint analysis of performance by the CPS and police locally (the prosecution team). It is used to consider the outcomes of charging and other joint processes.

³ *Review of the use of performance information in the Crown Prosecution Service* (October 2005). www.hmcpai.gov.uk/inspections/inspection_no/249/

Recommendations

1.10 Inspectors identified four key recommendations where improvement can be made and which will assist the current Refocusing Programme being undertaken by the CPS, these are:

1 The CPS should improve the effectiveness of the annual certificate of assurance (paragraph 4.4).

2 The CPS should review the area risk management system to ensure it is fit for purpose (paragraph 4.11).

3 Areas should introduce measures to assess the productivity and effectiveness of case progression units (paragraph 4.27).

4 The role of the Area Performance Manager needs to be reviewed to ensure it fully supports the refocusing initiative, and that the roles performed and level of skill are more consistent nationally (paragraph 4.40).

2 Introduction and background

Introduction

2.1 This report examines the assurance and performance systems employed by the CPS at the strategic and front line delivery level. Whilst the terms ‘assurance’ and ‘performance’ have certain interdependencies we have looked at assurance processes as those which provide confidence or certainty that actions or plans have been carried out or are on track, whilst performance systems provide the data and measures to assess this level of assurance.

2.2 We assessed a range of systems at the strategic level (Headquarters, chapter 3), at front end delivery level (area, chapter 4), and on more specialised units (casework division, chapter 5). The inspection focussed on whether strategic and local delivery managers have the controls, systems and processes in place to enable assessment of performance and assurance to take place, so that the CPS can deliver on its business objectives at the front end.⁴

2.3 The inspection did not involve any in-depth compliance checking of assurance controls, systems and processes. However where compliance issues have been found, the report does include these. Also, in making our judgements we have taken into consideration, where appropriate, the findings from all Her Majesty’s Crown Prosecution Service Inspectorate (HMCPsi) reports in the past 18 months.

⁴ We did not inspect assurance and performance systems for finance, human resources and policy.

Background and context

2.4 HMCPsi undertook a thematic inspection of the use of performance information in 2005. The report highlighted that the CPS was in the early stages of developing a more comprehensive performance management system. The CPS has since devised a sophisticated performance databank with 130 separate measures.

2.5 Since our 2005 report the CPS has been through an extensive period of change and has expanded its range of responsibilities considerably.⁵ More recently the CPS has experienced fundamental changes to its level of funding, structure and systems which will require a change of culture for many. Much of this change has been needed to bring greater efficiency to the organisation, made necessary as a result of the 2010 Comprehensive Spending Review (CSR)⁶ and a continued climate of reduced funding.⁷

2.6 As a consequence of the CSR, the CPS embarked on an ambitious programme of re-structuring 42 geographical areas (aligned to police force boundaries) to just 13 areas and reducing Headquarters staffing levels. At the same time the CPS was implementing the T3 (Transforming Through Technology) programme which aims to digitise casework leading to a paperless organisation. In order

⁵ Including expanding the range and coverage of advocacy in both the Magistrates and Crown Court; increasing face to face and out of office hours charging; taking responsibility for the prosecution functions of the Department for Environment, Food and Rural Affairs, Department for Work and Pensions and Department of Health; and widening the commitment to community engagement and victims and witnesses.

⁶ This represented a 25 per cent real terms reduction in the net Resource Departmental Expenditure Limit (RDEL) over a four year period to 2014-15.

⁷ Subsequent decreases have meant that the total reduction is 27 per cent in RDEL.

to synchronise and harmonise the aims of both restructuring and T3, the CPS Refocusing Programme was developed. This seeks to create a single way of working throughout the Service by the implementation of standard operating procedures (SOPs), underpinned by a fresh approach to values and behaviour. This approach recognises that all three initiatives are interdependent.

2.7 During this period of change the CPS has also had to adapt and respond to a significantly changing criminal justice landscape. Following the 2010 general election, the Government changed performance management arrangements in the criminal justice system, abolishing previously centrally mandated targets and the Public Service Agreement (PSA) Frameworks.⁸ Much of the assurance and performance framework which supported these targets was also dismantled including the Office for Criminal Justice Reform and the Central Criminal Justice Board. This led to a fundamental shift in central-local relationships.

2.8 Without specific centrally driven targets to focus on, the CPS undertook an introspective examination of how it would measure and assure its own success and its contribution to reducing crime. In 2010 the CPS published a set of core quality standards (CQS)⁹ for the Service. The standards were devised, together with the Code for Crown Prosecutors,¹⁰ to inform the public about what they can expect from those who prosecute on their behalf, and to set out for CPS staff what is expected of them. A monitoring scheme (CQSM) was also devised to assess the compliance with core quality standards and to identify where casework performance can be improved.

2.9 In conjunction with CQS, and utilising the comprehensive performance database it had developed, the CPS introduced a system of weighted measures.¹¹ This helped to focus the Service nationally on improving performance as well as providing the Director of Public Prosecutions (DPP) and the CPS Board with assurances that its objectives were being met. Each area's performance is now assessed against these measures.

2.10 The culmination of these major changes and initiatives has meant that assurance and performance systems have had to rapidly evolve and continue to do so, with proposed changes to weighted measures in 2013-14. This inspection therefore provides a snap shot of our findings for the CPS to consider as its Refocusing Programme moves forward.

Methodology

- 2.11** The inspection undertook the following:
- i Field visits to three CPS areas, one casework division and Headquarters
 - ii Interviews with a range of staff including senior managers, performance managers, lawyers and support staff
 - iii A national survey of all Area Performance Managers
 - iv An analysis of all documentation supplied by the CPS and review of a number of operational systems

We assessed our findings against a standards framework. The full methodology can be found at annex A.

⁸ PSA targets were replaced with a single criminal justice target to reduce crime.

⁹ www.cps.gov.uk/publications/core_quality_standards/index.html

¹⁰ www.cps.gov.uk/publications/code_for_crown_prosecutors/

¹¹ Also see Glossary for further explanation. Weighted measures are Crown Court and Magistrates' Courts attrition; Crown Court guilty pleas at 1st hearing; Magistrates' Courts prosecutions dropped at 3rd or subsequent hearing; custody time limit failures; prosecution costs; violence against women and hate crime attrition; staff work days lost; court directions and orders complied with; and administration costs.

3 Headquarters findings

Assurance

3.1 The CPS Accounting Officer (the DPP) and CPS Board are required to provide an annual Governance Statement to Parliament which provides details of the organisation’s corporate governance, risk management and internal control arrangements. The statement should incorporate an evaluation of how well the arrangements have operated in practice, based upon an ongoing assessment process. The assessment process should provide evidence-based assurances on the management of risks that threaten the successful achievement of CPS delivery objectives. Headquarters gathers this information and assures the CPS is meeting its business objectives through the application

of the Treasury’s three lines of defence model, including independent oversight of its business and quarterly performance reviews of all CPS areas and casework divisions.

HM Treasury – three lines of defence principles

3.2 The Treasury have provided guidance to all public bodies on how to achieve these assurances. The three lines of defence principles are central to providing a comprehensive and independent assessment of assurance within a public body. We produce below an outline of how the CPS uses the three lines of defence model to provide a framework which identifies and maps the main sources of assurance.

1 st Line of defence	2 nd Line of defence	3 rd Line of defence
Front line business operational areas	Oversight of management activity	Independent and more objective assurance
Front line policy	Compliance assessments	Internal audit programme
Performance data	Reviews against policy	Stakeholder feedback
Statistics	Quality assurance against risks, systems and processes	Independent assurance providers and regulators, including HMCPSI, National Audit Office etc
Risk registers	Delivery against key strategic objectives	
Reports on routine systems and controls		
Other management information	Corporate risk register	

3.3 The first line of defence refers to operational areas with assurance responsibilities expected to be delivered locally to ensure strategic objectives are achieved (see chapters 4 and 5). The second line of defence refers

to the oversight of management activity and is separate from those delivering front end objectives. The third line relates to independent and objective assurance by independent assurance providers.

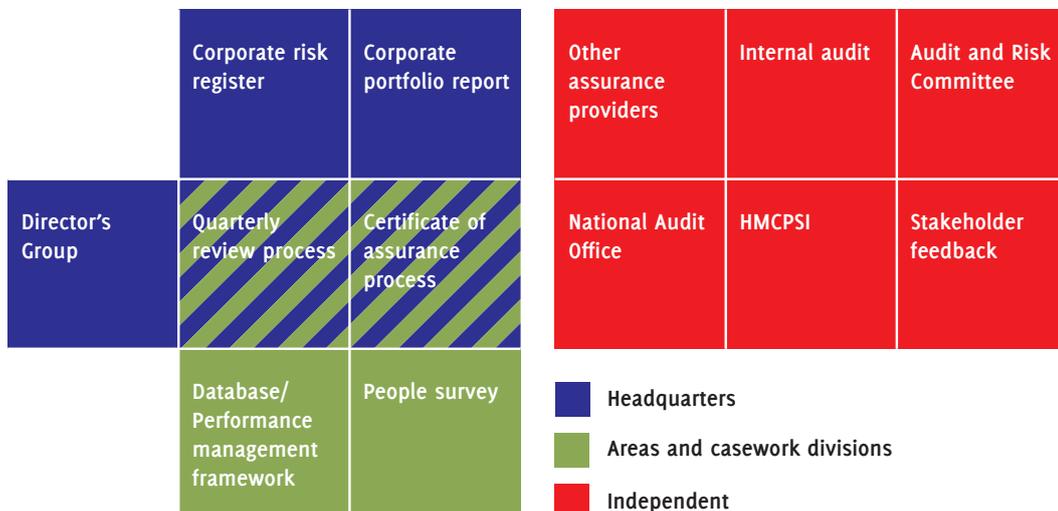
3.4 Oversight of assurance by CPS Headquarters is, in the main, focused on the second line of defence. A comprehensive assurance framework¹² details all these assurance processes which are assigned to each of the four CPS strategic objectives (see annex B). The framework is designed to identify risks through various means including; the annual certificate of assurance provided to Headquarters from areas and casework divisions; an assessment of established internal assurance processes; the performance database and results from the quarterly performance reviews; national staff surveys; compliance oversight linked to project and change initiatives; findings from internal audit and other independent reviewers; and data quality and compliance checks. A summary of these front line assurance processes is reproduced at annex C.

3.5 The ongoing results of these assurance processes inform the Director’s Group who have responsibility for identifying key risks to the organisation. This will inform the process of identifying which high level risks are entered into the corporate risk register, which is also aligned to the four CPS strategic objectives.

3.6 The CPS Board has overall responsibility for ensuring that there are appropriate risk management arrangements in place. The corporate risk register is reviewed and updated each quarter and is scrutinised by the Audit and Risk Committee, who may question and call to account whether a risk has been correctly identified and whether there are adequate assurance measures in place. The figure below illustrates the major sources of assurance that the CPS Board has access to in order to ensure risks are effectively managed.

¹² The assurance framework is a document produced by the Head of Strategy and Management to highlight to the CPS Board the key assurance processes and controls which are in place for each strategic objective.

Sources of assurance



3.7 The information from this diverse assurance landscape can be complex to understand and analyse which can make it difficult to identify the key issues and risks. A corporate portfolio report is presented at each CPS Board meeting which attempts to filter and inform the Board what the ongoing risks and potential problems are, taking into account all assurance and risk sources. Whilst performance data and quality assurance checks provide some measure of whether objectives are being achieved, they do not provide answers to underlying problems where they exist. For example weak compliance to certain core quality standards could indicate poor decision-making but equally could indicate that reviewers have been robust in assessing standards and/or have chosen cases to review which are more likely to give rise to weaker compliance issues. Data therefore only informs and is not by itself a mechanism to provide a complete understanding about a unit's performance. Without this understanding any effective remedial actions are potentially weak.

3.8 In order to gain a deeper understanding of the problems faced by staff delivering at the front line the DPP and the Chief Operations Officer (COO) conduct regular visits to areas to meet with staff and listen to their concerns. Court observations are also conducted and stakeholder views are considered. Feedback about what is working well and what is not is provided to the CPS Board and to the area CCP or Head of Division. Appropriate feedback from these visits is also made more widely available to staff on the CPS infonet. These visits add another valuable layer to the front end assurance process.

3.9 Despite what appears to be comprehensive assurance controls, there has been a shift in the volume of management assurance activity from Headquarters to areas due to a reduction in Headquarters staffing levels by 50 per cent, in order to preserve more finances for front line services. Whilst downsizing Headquarters' assurance functions has required the CPS to look more critically and more proportionally at what key assurances must be maintained, it is acknowledged that a loosening of central grip over assurance has led to some significant gaps in performance activity. More recently the COO has announced a small compliance team will be formed to advise and assist areas on a range of performance activity.

Independent oversight

3.10 There are a number of ways that the CPS ensures it has independent oversight of its operations and these include internal audit, the Audit and Risk Committee, the National Audit Office (NAO), HMCPSI and other assurance providers. The CPS Board also has non-executive members who provide an independent challenge drawing on experience external to the CPS. These measures of independent oversight accord with the Treasury's third line defence protocol.

3.11 The role of the CPS internal audit is to carry out a programme of work to add value and help the CPS achieve its aims and objectives, through improving its operations through independent and objective opinion and includes an evaluation of the framework of governance, risk management and control. This then forms the basis of the draft Governance Statement, which the DPP is required to provide, which is laid before Parliament. The audit's programme of work is also informed by the

Audit and Risk Committee;¹³ HMCPsi; findings from joint criminal justice agency inspection and NAO findings; and internal processes. Internal audit is then able to direct its resources effectively on areas of high risk or where gaps or weaknesses have been identified in other assurance arrangements. Internal audit also has the responsibility of collating and validating the efficacy of areas and casework divisions' certificates of assurance, which also provide assurance for the Accounting Officer's Governance Statement to Parliament.

3.12 Despite what appears to be a robust assurance regime, HMCPsi and the NAO have both exposed weaknesses in CPS systems, management and policy in their reports. Some findings have led to a substantial overhaul of CPS systems and policy.¹⁴ General findings include weaknesses in systems of management, compliance and quality and delivery processes, as well as partnership arrangements.¹⁵

¹³ The Audit and Risk Committee comprises of non-executive board members who provide an independent external challenge on risk and audit arrangements and hold the CPS Board to account for its assurance systems and processes.

¹⁴ For example the HMCPsi report *When things go wrong: A thematic review of complaints handling by the Crown Prosecution Service* (March 2009) resulted in a completely new system being implemented. See www.hmcp.si.gov.uk/inspections/inspection_no/429/ and www.hmcp.si.gov.uk/inspections/inspection_no/103/

¹⁵ We reviewed all HMCPsi reports for the past 18 months. More information can be found on our website www.hmcp.si.gov.uk

Quarterly performance reviews and accountability to the CPS Board

3.13 CPS Headquarters calls to account all areas and casework divisions for their performance through the quarterly performance review (QPR) process. The COO meets with each area's CCP and Area Business Manager (ABM) and Heads of casework divisions and Senior Business Managers to discuss performance. Headquarters provides each area and casework division with a suite of performance figures which they are required to validate and provide commentary about their current performance. The discussion at the review includes use of CQSM measures, advocacy assessments and performance outcomes of CPS weighted measures. The databank is also able to identify trends in performance, which provides a further dimension for analysis purposes. Where weaknesses exist a way forward or action plan is agreed with the COO.

3.14 The introduction of weighted measures has meant that the CPS has been able to produce a comparative data table which shows the position of each area in relation to each measure. The totality of weighted scores provides an overall league table. This scoring mechanism enables the CPS to identify weaker performing areas across a range of criteria.

3.15 This information is used to call the three weakest performing CPS areas and the four weakest performing LCJB¹⁶ areas to account for their performance before the CPS Board. The CCP and ABM of each area called to appear before the Board are required explain the reasons for its performance and agree an action plan of improvement on identified weaknesses. A monitoring process continues until the area improves its performance and has carried out all the actions agreed. There was a lack of clarity expressed by areas as to when this monitoring process would come to an end. Some also expressed concern that weighted measures perversely skewed otherwise good performance. The COO is aware of these concerns and some adjustments are planned to make measures less subject to volatility and to make the process more transparent.

3.16 The QPR and measures taken by the CPS Board and COO provide assurance that areas and casework divisions are focussed on performance and are directing their efforts to achieving the organisation's strategic objectives. There is a risk however that focus on weighted measures alone, where this occurs, may compromise the totality of CPS responsibilities (see paragraph 4.20). In addition, we found several examples of commentary being made by areas about their weaker performance that did not withstand scrutiny. These examples mainly concerned shifting blame from CPS area operations to issues such as poor witness attendance or poor file quality received from the police, without any real data or analysis being conducted to substantiate such claims.

Performance

3.17 Most of the assurance processes and QPRs are supported by a comprehensive central database of performance outcomes which comprises of 130 separate measures. These are used at both strategic and local level to assess performance. The databank also presents the opportunity for areas and Headquarters to assess the comparative nature of CPS performance.

3.18 The one central database of performance ensures that there is no duplication or misunderstanding with the use of statistics provided. Areas are required to agree the data or submit adjustments before a 'freeze' date. After this time the data is used to inform the weighted measures and from this the CPS comparative data table is produced. Headquarters staff also complete internal quality assurance and data checks to ensure the validity and accuracy of the database.

3.19 CPS Headquarters also produces ad hoc reports for internal assurance or performance purposes or to inform ongoing projects and initiatives. Areas were concerned that they were burdened by requests from Headquarters to provide data or reports, many of which could be accessed from the database. There were also uncertainties expressed by areas about the additional responsibilities for data management and assurance arising from the downsizing of Headquarters' activity. Area Operations Centres are still adjusting to their new found responsibilities.

¹⁶ Although the 42 CPS areas that existed have now been formed into 13 larger ones, the CPS database still collates performance data for each of the former areas which were aligned to the local criminal justice board (LCJB) and constabulary geographical areas.

3.20 At the national level there is clear partnership working with Her Majesty's Courts and Tribunals Service (HMCTS) with a formal joint board in place for senior managers in CPS and HMCTS to meet. There are also additional boards such as the Efficiency Group and one for the Early Guilty Plea initiatives. Most boards at this strategic level were forward facing and looking for improvement and quality assurance rather than examining performance. There are good links with the Association of Chief Police Officers (ACPO) although it is accepted that, as a body, ACPO can only advise and not mandate criminal justice policy nationally. This can lead to certain frustrations when the CPS, as a national body, wants to ensure the efficiency of a single way of working but then has to negotiate and persuade 44 separate police forces to work in a particular way. With most CPS areas aligned to several different police forces, the need for good working relationships and understanding can be particularly demanding of local CPS senior management.

3.21 Whilst no national joint partnership targets exist there is ongoing work at the strategic level to agree joint standards and expectations. Work is also currently being developed between partners to establish joint data and standards which are aimed at defining the effectiveness of joint working.

Conclusion

3.22 Despite the different levels of assurances which are applied, it is of course not possible to provide the CPS Board with absolute assurances or to identify all risks. Therefore the CPS Board relies on the experience and robust judgement of senior management, the Director's Group and other staff to provide these assurances through a bottom up process. However it is unlikely that any system can eradicate risk and gaps in performance and, in general, a proportional approach to assurance has been taken by the CPS, particularly in the wake of staffing reductions at Headquarters level and its ability to provide assurance mechanisms centrally.

3.23 Overall, therefore we found assurance mechanisms to be reasonably comprehensive and proportionate. However, the compliance or effectiveness of these assurance strands is more questionable and weaknesses and inconsistencies with CPS performance and quality have been regularly exposed by HMCPSI inspections, as well by other independent providers. This demonstrates the value of independence and oversight from the system of internal control to ensure a robust challenge to the Service. In addition, despite all the layers of assurance, the judicial process may at times expose CPS weaknesses resulting in adverse judicial comment and damaging press coverage.

4 Area findings

Assurance

4.1 CPS areas have six main processes through which they assure the quality of their performance,¹⁷ these are the annual certificate of assurance; core quality standards monitoring; risk assessment; compliance and validation systems; advocacy monitoring and the quarterly performance review process (see chapter 3).

Certificate of assurance

4.2 Each CPS area completes an annual certificate of assurance, which is signed by the CCP as a personal assurance to the DPP that the area has effective and efficient controls to ensure the delivery of objectives, in compliance with legal regulations and CPS policies. The certificate gives assurances including on areas of high operational risk; management of people; change initiatives; efficient use of resources; propriety in the conduct of business; assignment of roles and responsibilities; guidance and training of staff; business planning processes and operations; and effective management of information systems to inform decision-making.

¹⁷ There are various other ways of assuring performance including adverse care reviews; case management panels; case by case assurance reviews; authority for discontinuance of cases (eg rape) etc. Annex C also includes a full description of CPS assurance measures.

4.3 We found that the certificate of assurance provided little real value or practicality to area senior management in delivering a front line service. It focussed on whether a process for assurance was in place rather than evidencing whether that process had been tested or was effective. Some of its content was also duplicated in the area's business plan and risk register and so the compilation and content of the certificate in most cases had become a 'tick the box' exercise.

4.4 There was no evidence that the certificate was referred to at CPS Board level when areas were called to account for their performance, despite its apparent declaration that appropriate systems for assurance and performance were in place. There was also no evidence that its content formed discussion at the area's quarterly performance review with the COO.

Recommendation

The CPS should improve the effectiveness of the annual certificate of assurance.

Core quality standards monitoring

4.5 CQSM is the main process by which a CPS area assures itself that casework and the standard of service which the public receive is of an appropriate quality, as well as identifying aspects for improvement. A secondary purpose of CQSM is to enable performance to be assessed for national purposes. Area lawyer managers are required to dip sample casework files and assess their quality against set criteria. This is used to focus improvement on identified issues as well as informing them of individuals' performance. Where appropriate, individuals should be given feedback on the strengths and weaknesses of their casework.

4.6 In two of the three areas inspected, there were good systems for CSQM and clear evidence that trends were communicated appropriately. Most lawyer managers within these two areas understood and supported the value of CQSM. One of these two areas, in particular, demonstrated a high level of commitment to the process and introduced workshops for lawyer managers to ensure that they were assessing casework in a consistent manner. Managers also introduced a CQSM type of system for Paralegal Officers and administrative support staff. The third area was less robust in its CQSM process and we identified various issues including managers not always conducting feedback; over generous assessment of casework by lawyer managers; and a lack of robustness regarding the analysis of CQSM results.

4.7 HMCPSI's annual casework examination programme (ACEP)¹⁸ 2012-13 also identified an over generous assessment of casework by area managers of 7.3 per cent, and a lack of understanding of some questions leading to inconsistency problems. Unreasonable answers to CQSM questions were recently assessed by HMCPSI as being 15.7 per cent which is considerably worse than our *Thematic review of the CPS core quality standards monitoring scheme* (10.4 per cent) in 2012. Headquarters are aware of these difficulties and have held consistency exercises and other CQSM assessments with areas where national data indicated that such problems exist.

4.8 There seemed a general reluctance to link CQSM findings to individual performance. One of the main complications of assessing individual performance through the CQSM process was that often a case passes through many hands before being finalised and it becomes difficult to assign strengths or weaknesses of the casework to any individual. Areas therefore tended to identify trends or patterns of weaknesses and disseminate these among staff. In addition, although we found some good examples of CQSM trends leading to a dissemination of findings among staff, evidence of a clear robust continuous learning culture was weak.

4.9 Since 2012, areas have been given more freedom to select the types of cases that are assessed through the CQSM scheme. We found that some had embraced this by selecting files in which they were more likely to identify weaknesses in casework, such as cracked and ineffective trials and unsuccessful outcomes, whereas others chose not to. The flexibility to choose more challenging cases can however perversely affect an area's CQSM score because such cases are more likely to identify weaknesses in casework. Care must therefore be exercised when assessing national CQSM performance data because a poor compliance score may also be an indicator that the area is more robust in its assessment of cases and/or it has chosen cases which are more likely to have complications in casework decision-making. CQSM results should therefore be assessed along with any performance improvement in the category of CQS cases chosen. Although the COO is advised of the area policy when making their file selection, areas perceive that poor scores reflect unfavourably against them in their performance review.

¹⁸ ACEP is an ongoing commitment to examine the quality of CPS casework. In the year 2012-13 HMCPSI examined a total of 2,802 case files (which comprised of 2,690 charged cases and 112 out of court disposals) across all areas and CPS Direct. As part of these 2,802 files, 502 which had already been assessed by CPS Unit Heads under CQSM were re-assessed by inspectors. It is from this tranche that the data in paragraph 4.7 derives.

Area risk registers

4.10 Each area produces a register which highlights the key risks to business for the coming year. It documents countermeasures to eliminate or reduce risks so there is a measure of assurance that the area will achieve its stated objectives. The inspection highlighted area concerns that many of the risks identified were of little value because the area had marginal influence over reducing them. Such risks included a lack of resources; the impact of budget cuts; accommodation issues; voluntary release schemes; workforce profiles; and reliance on other agencies. It was apparent that there was a significant amount of duplication between the area and corporate risk registers. Although Headquarters collated all area risk registers there was an absence of quality assurance or feedback to areas to ensure consistency.

4.11 Evidence that area risk registers were reviewed or regularly updated was weak and little use was made of them in QPRs or when required to account to the CPS Board for area performance. Some risks did not have clear countermeasures or lacked clarity as to why they were an identified risk. Whilst Headquarters were aware of some of these weaknesses and plan further training for area personnel, the CPS risk system requires a more substantial review to provide better clarity about how issues identified at area level inform corporate risks and vice versa.

Recommendation

The CPS should review the area risk management system to ensure it is fit for purpose.

Advocacy monitoring

4.12 The CPS has an advocacy assessment programme to evaluate the quality of those representing prosecution cases at court, particularly for Crown Advocates and Associate Prosecutors. Most areas utilise dedicated internal advocacy assessors although a number of parallel assessments have been undertaken by external assessors to ensure consistency of grading. The CPS have more recently adopted a targeted risk assessed approach for advocates although all will be assessed at least once within a five year period.

4.13 The advocacy assessment is provided to the individual advocate and the relevant unit manager and, in some areas, to the CCP. However HMCPSI's *Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation* (March 2012)¹⁹ indicated that assessors had rarely been approached to identify trends or areas for weakness which might prove useful for continuous improvement within the organisation. Although there were some examples of good work, the approach to driving improvement locally is variable. The inspection also found that data recording systems for recording assessments contained flaws which meant inspectors could not ascertain the accuracy of data. The weakness in performance data, collating good practice and continuous improvement has been compounded by the disbanding of the Headquarters advocacy team, which had been a focal point for issues arising out of the assessments.

¹⁹ www.hmcp.si.gov.uk/inspections/inspection_no/525/

4.14 The DPP and Principal Legal Advisor have also made a number of unannounced visits to the Crown Court to observe the quality of advocacy and service delivery. Feedback about CPS advocates is also given to the CCP and other senior staff on area by the Resident Judge.

4.15 Whilst inspectors identified some opportunities to improve, on the whole the work undertaken by the internal and external assessors is comprehensive and of good quality. They identified that only 3.2 per cent of those assessed were found to be less than competent, although advocates were aware they were being observed. HMCPSI inspectors found, in a similar exercise, but where the advocate did not know they were being assessed, that 7.1 per cent were less than competent.²⁰ Whilst the overall assurance processes for advocates are proportionate there are from time to time adverse comments made by the judiciary about the standards of advocacy, which often lead to unfavourable commentary about the CPS in the national and local press.

²⁰ In 2012-13 the CPS conducted 645 advocacy assessments with 4.3 per cent of advocates assessed as less than competent.

Compliance and validity checks

4.16 All three areas had a system for checking compliance and data validation,²¹ but the scope, compliance and value put on these checks by managers varied considerably. Whilst the areas were systematic in undertaking the CQSM checks, not all were completing compliance checks on the systems, such as the case management system (CMS) and case progression checks were also less systematic. Many managers were unaware of the consequences of delays in recording results on CMS; for example incorrect or late finalisations being recorded on CMS could impact on budget allocation and performance indicators. Additionally, whilst senior managers told us they were assured that checks were in place, we found that this was not always the case.

4.17 Actions resulting from these checks generally were variable ranging from inertia to results being used for continuous improvement. It was clear to us that there were some managers who do not fully appreciate the importance of quality assurance checks and how to use the results to improve performance, or to manage their staff effectively. This may result in levels of assurance being given that are not founded on accurate information or unnecessary additional controls being put in place without understanding the source of the problem.

²¹ Checks and data validation included CQSM returns; CMS checklists and outstanding tasks; finalisations; flagging of hate crime; timeliness of correspondence; direct communication with victims letters; and custody time limit checks and audits.

4.18 HMCPSI inspections have continually raised issues of non-compliance with system checks and validation measures but some have yet to be resolved. In recent area inspections, of the ten recommendations made by HMCPSI concerning quality or service delivery, areas had only achieved or made substantial progress in half of these. Issues such as disclosure and some aspects of CQSM still remain matters of concern. Although regular direction has been issued from Headquarters, non-compliance with the operation of the checking and assurance systems in areas is still apparent.

Performance

4.19 All three areas inspected could clearly demonstrate that they had a performance framework regime in place. Generally this included the use of national data statistics; compliance and validation checks of data and quality; a framework of meetings to discuss performance issues; systems to gather data from various sources and a means of analysis; and interpreting data to inform decision-makers of current strengths and weaknesses in performance. All areas inspected produced an area performance pack and often ad hoc performance reports to supplement this.

4.20 We found that all senior management teams inspected had established key performance priorities. Some areas exclusively focused on improving the outcomes of the 2012-13 weighted measures, with the aim of improving their position in the CPS performance comparative data table.

There were numerous concerns from staff that they were being deterred from activity unless it directly contributed to the weighted measures. For example in one area extra resource was directed to compliance with custody time limits (weighted measure) but it had abandoned quality assurance of letters to victims²² (non-weighted). Inspectors are concerned that only focusing on certain measures will not enable the area to consider the reasons for its current performance holistically or in a strategic way. An inordinate focus on weighted measures by some areas could also lead to them being exposed to reputational risk with its partners and local community.

4.21 Monthly performance meetings were held between the CCP and area senior managers, with much of the focus on the next quarterly performance review with the COO. In addition to monthly meetings most area senior managers also reported on their unit's progress (or area of responsibility) to the CCP and ABM on a quarterly basis. These quarterly meetings then formed a final submission to the COO of the area's performance position. This submission included commentary about good or poor aspects of performance. We found that some of this commentary did not stand scrutiny and poor performance was frequently blamed on circumstances that the area believed was not within their control (see also paragraph 3.16).

²² Letters sent to victims (direct communication with victims scheme, DCV), informing them why a case or charge was dropped or charge substantially changed.

4.22 In all three areas we could see that performance is being bench-marked against other areas nationally but analysis of performance outcomes and results tended to compare month on month or by each quarter. Our national survey also indicated that less than half of performance managers looked at any data over the longer term to identify trends.

4.23 The majority of area or unit performance is communicated through area and team meetings or through the KIM intranet system.²³ The sheer volume of data can be daunting to interpret but in better performing units we saw managers filtering this information and delivering key, clear understandable messages to their staff about their team's performance. We were generally impressed that there was a wide understanding by staff at all levels about the importance of performance management and outcomes. There was also a good awareness of how their work contributed to the success of the unit/area.

4.24 There was often a parochial competitive spirit among operational teams who wanted to ensure their team's performance was better than other units with similar functions within the area. Inspectors were concerned that staff had not yet embraced a one area performance culture and found several examples where good practice that could have helped other units within the area had not been shared. This included processes or checks working well in one unit not shared with a similar unit elsewhere on the same area. This unwillingness to share does not capture good practice or lessons learned in a consistent manner. Changing this reluctance to

share could enable the organisation to benefit much more widely and lead to a continuous improvement culture. The CPS is aware of some of these weaknesses and has sought to address these through the Refocusing Programme, including the development of standard operating procedures (SOPs). The SOPs have been, and will be, developed in co-operation with areas and are drawn from best practice nationally. The purpose is to develop a 'one way of working' nationally.

4.25 All senior management team meetings were minuted and included performance as a standing agenda item. Inspectors were given several examples of how improvements had been made as a result of identifying poor performance. Because of the volume of data and information available to managers, most meetings tended to concentrate on a 'red, amber, green' (RAG) system to highlight issues of under performance or those showing a downward trend. In some areas, managers were able to provide commentary on the reasons for poorer performance prior to the meeting taking place and demonstrate that they had already implemented actions to improve.

4.26 Our analysis of minutes of various strategic and team meetings indicated that while problems were identified through data analysis and actions were raised to address these, in too many instances there was limited evidence of actions being followed-up to ensure that they had been effective. This often led to the same issues being raised or problems reoccurring. In some cases the area had a strong understanding of its performance but had, for whatever reason, been unable to take forward actions which delivered improved outcomes. Some persistent issues led to blame

²³ Knowledge and information management system and internal CPS intranet.

shifting particularly where local CPS staff believed they had little influence to improve performance. Cited issues included problems with CPS digitisation; lack of resources; police file quality; inefficient court sessions; witness issues; and use of poorly prepared agents at court. Whilst there may be some justification for any one or a combination of all of these problems, none of the areas were able to quantify or measure the effects of these issues on performance.

4.27 Whilst most areas had good systems available to them to provide a comprehensive suite of data, we found that individual performance management and productivity measures were less effective. The lack of unit productivity measures makes it difficult for managers to assess objectively whether resources are being efficiently utilised. We found that this problem was prevalent in case progression units and understanding of whether units were performing effectively was largely hampered by a lack of baseline figures or an agreement of what good performance activity is. The continuing change in area structure, often to create larger centralised case progression teams, and changes in personnel compounded these difficulties. HMCPSI's recent ACEP results and other area reports also indicate weak aspects of performance in case progression.²⁴ The move by the CPS under the Refocusing

Programme to introduce standard operating procedures across a range of case progression activities is welcome, but emphasises the need to provide good data to measure improvement and identify weaknesses.

Recommendation

Areas should introduce measures to assess the productivity and effectiveness of case progression units.

4.28 The majority of staff interviewed believed that the performance appraisal system did not work effectively and lacked clear objectives or relevance. There was a strong sense that poor performance was not being addressed. Inspectors were given several examples of where poor performance had been isolated through data and compliance checks which identified an individual post holder. It was often the case that they were not trained properly or there had been an experienced person who had recently vacated the post. Managers need to be aware of how even one individual can have a significant effect on unit performance and ensure all staff are adequately skilled and informed, particularly during periods of restructuring and change.

²⁴ Inadequate reviews in 38 per cent of Magistrates' Court and 50 per cent of Crown Court cases; unsuccessful outcomes prevented in only 48 per cent of cases; 54 per cent where the lawyer 'had a grip' on the case; ineffective trials prevented 36 per cent of the time; and extra work caused by inadequate communication apparent in 57 per cent of cases. *Improvement through inspection: HM Chief Inspector of the Crown Prosecution Service annual report 2012-2013*, available at www.hmcpsi.gov.uk/inspections/inspection_no/531/

Joint performance

4.29 All of the areas visited expressed concerns that performance measures and focus with criminal justice partners had declined in the last two years. Whilst we found structures in place to provide information and data for joint meetings, none of these appeared fully effective in improving services for users. Since the demise of the Office for Criminal Justice Reform, the abolishing of PSA targets and the withdrawing of funding for local criminal justice boards (LCJBs), many CPS areas and their partners have struggled to put in place robust mechanisms to measure and assure joint performance. It is generally acknowledged that joint performance structures reached somewhat of a hiatus, which led to some areas of the country gradually withering the importance of or abandoning the LCJB structure, along with some joint meetings such as the prosecution team performance management meetings.

4.30 In addition whilst most LCJBs historically received central Government funding for performance managers, this funding is no longer available. As a consequence, partners have either mutually funded this position or have agreed on the production of performance data between themselves. Whilst all CPS performance managers, where LCJBs exist, provide information and data to the LCJB and/or PTPM, other partners often brought differing data sets to meetings, which has sometimes led to confusion and conflict.

4.31 More recently, partnership structures have seen a slow reinvigoration and our national survey of performance managers indicates that 90 per cent of CPS areas now have some form of LCJB structure and, of these, 67 per cent have a LCJB joint performance sub-group. Whilst most areas still have in place the

PTPM process, there is general concern that the PTPM process lacks effectiveness, including a lack of understanding of data, direction and focus to drive improvement. Meetings were often attended by members who did not have the authority to make decisions in order to implement changes needed within their own organisation. Consequently, progress towards solving even some long standing issues was often slow.

4.32 Some areas expressed the view that as CPS areas change (geographically and structurally), joint performance structures will need to be reviewed. The different mix of police forces now making up one CPS area can also present challenges in standardising performance data, particularly when there are different ways of working digitally. Police and Crime Commissioners are also expected to make an impact on joint working, and the direction of performance outcomes, even though there appears to be no central direction about how this will be done.

4.33 Similarly, our recent area and thematic inspections have also indicated that arrangements at area level with the courts to discuss performance and other issues are inconsistent and not as effective as they could be. This is partly due to the huge changes in the criminal justice landscape but also the upheaval CPS areas have undertaken to become more efficient. For many areas this has meant changes geographically and structurally, directly impacting on relationships with the courts as well as other partners. Some areas are now assigning functional responsibilities to senior managers who either take responsibility for Magistrates' Court work or Crown Court work and there is an expectation that they will develop positive relationships.

4.34 Despite these challenges, locally we found evidence of productive partnership working including developing protocols for the handling of third party material; community engagement resulting in sound relationships with outside interest groups; and effective scrutiny panels, which have led to improvements in the identification and recording of hate crime.

4.35 Overall, however, we found effective joint performance and improvement to be slow rather than dynamic. In recent HMCPSI inspections only two out of eight recommendations (25 per cent) made around partnership issues were achieved or substantially progressed. Areas need to reinvigorate partner agency meetings and ensure the correct data is being collected, analysed and produced to provide assurance that all partner agencies are working effectively and efficiently together to improve outcomes and services for their communities. Some work is already underway at Headquarters level to assess partnerships' efficiency and effectiveness data (see paragraph 3.20), which may assist in identifying key gaps in performance.

Roles and responsibilities

4.36 Each area has a full-time performance manager who has a clearly defined job specification, with specific tasks for the collation and preparation of performance information, analysis, recommending action and attending meetings. There is also an expectation of undertaking work in relation to joint performance. Their role is key in providing senior managers with easy to understand data and an interpretation of what the data means.

4.37 On average, performance managers spend nearly half of their time obtaining data and preparing performance reports and the other half on analysis and interpretation of analysis for effective use, although the time spent on each of these tasks varied significantly across areas.

4.38 The majority of performance managers have good IT skills and use these effectively to gather and generate large amounts of data gathered from a range of sources²⁵ but the detail of analysis, interpretation and commentary varied considerably. Almost a third of performance managers surveyed nationally did not feel suitably trained in analysing performance data, a key part of their role.

²⁵ These vary but include the CPS national databank, CMS, corporate information system (CIS), management information system (MIS) and KIM/intranet. Some make use of other CPS sources such as Solidus, the witness management system (WMS) and joint asset recovery database (JARD), and the court's Xhibit system.

4.39 The survey indicated that the actual roles performed were inconsistent with their job specification. Our interviews also indicated that the involvement and use made of performance managers varied considerably from one of over-reliance on providing managers with reasons for good and poor performance, to one where they were required to simply collate data and produce a performance pack. The involvement of performance managers at Area Board meetings or other senior meetings also varied considerably.

4.40 We found that where robust performance frameworks existed, these were largely as a result of senior management involving the performance manager in strategic and performance meetings and requiring them to have an understanding of the reasons for current area outcomes. This generally meant the existence of a good working relationship with operational managers leading to a mutual understanding of the reasons for good or poor performance.

Recommendation

The role of the Area Performance Manager needs to be reviewed to ensure it fully supports the refocusing initiative, and that the roles performed and level of skill are more consistent nationally.

4.41 We found some skills gaps among senior and middle managers relating to the effectiveness and interpretation of performance data. Whilst some managers displayed a good knowledge of interpreting the data to identify and understand weaknesses in performance, too many were not confident in doing so, or were too busy focussed on fixing day to day operational problems. This

placed an over-reliance on the performance manager to identify problems within their unit. Operational pressures were often cited as a reason for non-compliance of quality assurance checks and other systems checks, which often resulted in compounding or creating new operational problems.

4.42 Whilst some managers and staff felt that such checks were burdensome, in one area we found that the robust system of compliance and quality controls which had been developed had helped to give clear direction to staff, improve accuracy, reduce duplication of work and led to improved performance. In addition, the success or otherwise of these controls were linked to their own objectives and appraisal of individual performance.

4.43 The CPS is currently delivering a mandatory management development programme for most management grades which consists of various modules including effective appraisal (personal development reviews - PDRs); managing poor performance; quality performance; people performance; and driving up standards. Each of these modules requires ongoing assessment and accreditation, although the success of the programme has yet to be fully assessed. However the programme does not include specific skills in managing and interpreting data or setting and assessing assurance processes. Few managers have had any formal training on understanding how they can use data in a meaningful way to help them effectively performance manage their staff. CCPs need to encourage in-house training of area managers in order to develop these skills, which will help drive up standards of delivery.

Conclusion

4.44 Areas represent the first line of defence in the Treasury's assurance model. They have a primary role of ensuring their own assurance and performance systems are fit for delivering front line services and ensuring compliance with these. They also have a role to play in the provision of assurances to Headquarters that these systems are in place.

4.45 We found that little practical use is made of the annual certificate of assurance; embedding CQSM has been variable, with some reluctance to link findings to individual performance or provide good continuous improvement; area risk registers have lost their importance over the years; and there is some duplication between the area and corporate risk registers and certificates of assurance.

4.46 Areas have available a wealth of performance data from which assurances of area performance could be assessed. However the compliance with and the effectiveness of using these systems varied considerably and often led to problems re-occurring over the long term. The lack of effective measures was most noticeable in case progression units. We found that individual CCPs, senior managers and even junior members of staff had a significant impact on performance and in better performing areas we found managers understood and promoted a performance and assurance culture. Performance managers play a key role in providing and interpreting evidence but the use made of their skills by senior management varied and their role needs to be reviewed to provide consistency nationally. Joint performance measures and assurance systems are of concern, with effectiveness and improvement being slow rather than dynamic.

4.47 Areas are the key deliverers of front line services for the CPS. With a reduction of central assurance systems, areas will need to ensure a robust culture of assurance and performance to meet the demands of front end delivery to their communities and provide a solid platform for continuous improvement.

4.48 We praise the introduction of the management development programme by the CPS to help raise management skills and knowledge, and hope this will assist the CPS in addressing some of the aspects outlined in this report.



5 Casework divisions – findings

5.1 CPS casework divisions have undergone significant structural and operational changes within the last two years.²⁶ We included the Special Crime and Counter Terrorism Division (SCCTD) as part of our inspection. As with other parts of this report inspectors have not undertaken any in-depth compliance checking of assurance controls, systems and processes as part of this inspection. However where compliance issues have been found, the report does include these, including some findings of other HMCSI reports in the past 18 months.

5.2 The Business Operations Centre provide shared resources among casework divisions and SCCTD share the resources of a Senior Business Manager (SBM), a Communications Manager, Performance Manager, HR, witness care and finance. SCCTD comprises of four operational units: Appeals, Counter Terrorism, Extradition and Special Crime. The Head of Division (HOD) is accountable for the overall assurance and performance of SCCTD and is supported by a Deputy Head of Division (DHOD) for each unit as well as the SBM.

²⁶ Casework divisions currently comprise of Central Fraud; Organised Crime; Special Crime and Counter Terrorism; and Welfare, Rural and Health.

Assurance

5.3 In common with CPS areas, SCCTD submits an annual certificate of assurance to Headquarters and provides documented assurances that effective governance, systems, controls and processes are in place to enable it to meet its business priorities. The document is signed by the HOD and is submitted to Headquarters and internal audit for validation purposes. Due to the significant number of other quality assurance controls in place, little reference is made to the certificate of assurance throughout the year within the division.

5.4 Controls for the oversight of casework review are in place in all units. In some the volume of casework is small but is of a more serious nature, often complex and sensitive. This means opportunities are available for oversight and quality assurance checks in these serious cases to be undertaken at an early stage, which are detailed and continue throughout the life of the case. In others where the case numbers are higher, a system of dip sampling is used to review cases, as well as identifying potentially high profile or complex legal casework for review.

5.5 CQSM is also used in all SCCTD units and is in addition to the detailed discussions taking place about the case between the DHOD and the case lawyer. Some adaptation of the CQSM questions has been necessary to meet the needs of each of the units within the division. The number of checks and regularity also differ across the units. Undertaking CQSM allows potential for the HOD to undertake some comparable, holistic assurance of performance across the division. Despite the different range of work performed in each unit, the CQSM process has exposed trends and variances of

approach which has informed the division to make improvements and adjustments to working practices and consistency of assessment. CQSM type checking has also been introduced for administrative tasks in one of the units to provide assurance of all of the processes end to end.

5.6 Certain cases are selected and discussed at the Director's Case Management Panel (DCMP) which allows the opportunity of actions, cost and legal decisions to be probed at the highest level. The HOD attends the DCMP along with the lawyer in the case. The panels provide a direct opportunity for the Director to be assured that cases are being managed and financed properly. Cases selected for the panel are usually (but not exclusively), the most complex, highest profile, most costly, or those that pose reputational risk. Case panels are an important element to the assurance process although they cannot replicate the rigours or scrutiny involved in a public trial.²⁷

5.7 Prior to the strategic quarterly performance review with the COO (see chapter 3), the HOD and SBM hold an in-house performance meeting with each DHOD. The DHODs provide separate performance reports for these quarterly meetings including a commentary about performance. These meetings and comprehensive reports allow the HOD and SBM to be fully informed for the strategic QPR as well as helping to promote a strong focus on performance among all senior SCCTD managers.

5.8 There are additional checks in place across the units, such as data integrity, finalisation codes and timeliness compliance. The division was able to demonstrate that there are systems in place to ensure compliance with the majority of procedures. We also found evidence of reviews being undertaken on non-operational matters such as check and challenge exercises undertaken as part of a review of the People Strategy and digital working which have led to some improvements. There are however some isolated incidents of a lack of compliance, such as ensuring monthly performance data is reconciled by each unit.

5.9 The division has its own risk register which is generally proportionate and has considered countermeasures in place. Review of the register is undertaken periodically.

Performance

5.10 In addition to the requirements of the QPR process, the HOD chairs a number of meetings, along with the SBM and DHODs in order to provide assurances concerning casework and performance. These include a senior management team meeting every four to six weeks and individual meetings with each Unit Head weekly or fortnightly to discuss operational and casework issues.

5.11 Collation of performance data is prepared in advance of divisional QPR meetings by the DHOD and Paralegal Business Manager of each unit. Monthly data reports are provided by the Performance Manager to the managers of each unit along with any ad hoc requests. The unit managers then validate the data and undertake analysis adding appropriate commentary to account for the performance of the unit. This information then forms the basis of discussion at monthly and QPR meetings.

²⁷ The use of a Case Management Panel is an important assurance mechanism; however notable concerns on the work of these panels have been highlighted in our report *Review into the disclosure handling in the case of R v Mouncher and others* (July 2013) and in respect of other cases.

5.12 Due to the specialised nature of the casework divisions they have developed their own comprehensive suite of performance data, allowing the performance of the division to be measured using a traffic light system of red, amber, green against the expectations and weighted measures in lieu of targets. Not all CPS finalisation codes fit the outcomes produced by SCCTD, for example extradition cases are not prosecutions so the work involved is unable to be shown as a finalisation recognised by the case management system. Work is currently underway to agree finalisation codes which are more appropriate for casework divisions. The alterations to codes will demonstrate the totality of SCCTD work and is particularly important in providing accurate performance measures as well as providing reliable information for resource allocation.

5.13 The analysis of data in SCCTD was generally effective. Managers had a good understanding of their unit's performance and this was being used effectively to identify trends, common errors and lessons for the future. The analysis of unit and individual performance had driven improvements within the division and inspectors were provided with various examples of where changes and improvements had been made both in-house and with partners. This includes the development of joint protocols (see 5.15); adoption of documented roles and responsibilities across all four units; and cross-divisional review of all systems and processes to ensure they were fit for purpose and consistent.

5.14 Managers understand their responsibilities for developing links and working collaboratively with partners and stakeholders. The casework division has sophisticated links with its partners and analysis work on cases with them was particularly good. All partners are involved in review of cases during the lifetime of the case and review on finalisation. Managers attend a number of stakeholder and joint performance strategic meetings on a regular basis.

5.15 The division has developed a number of joint protocols, guidance and agreed approaches including joint guidance with the Independent Police Complaints Commission (IPCC) on early advice; joint protocols for terrorism prevention and investigative measures; a memorandum of understanding with the Appeal Courts; and joint strategy templates with investigators. Similarly managers have also agreed protocols internally with the Complex Casework Units and areas on matters such as referral of cases. Managers also work well with partners in order to provide joint training days; particularly with the police, security service and IPCC.

5.16 Roles and responsibilities within the division are defined and documented. Managers understand their responsibilities for performance and although there were some marked differences in approach, in the main this was due to the differing numbers in caseload and type of work being carried out. There are clear guidelines in place to indicate where management oversight, authorisation or additional assurance of casework is required, examples include charging decisions; death in custody cases; assisted suicide cases; and assurance of victim and witness letters.

Conclusion

5.17 Despite the diverse range of SCCTD work, in the main assurance systems across all units are clear and roles and responsibilities of managers documented. Controls and oversight of cases which are serious, complex or of a sensitive nature are generally subject to rigorous enquiry throughout the life of the case. Units with more 'volume' work have proportionate systems in place to ensure assurances around risk and delivery.

5.18 SCCTD have adapted CQSM to their particular circumstances and although the work across the units is different, use has been made of the results to identify trends and make improvements. CQSM has also been introduced into administrative functions.

5.19 SCCTD had developed their own comprehensive suite of performance data to better fit with their specialised nature of work and performance was understood by staff and analysis of data generally effective.

Annexes

A Methodology

The inspection focused on front end delivery²⁸ of service by CPS areas and casework divisions, and how Headquarters strategically supported and assured this mechanism. Wider issues such as national governance, finance, HR, and policy were not included. In addition we did not undertake any detailed auditing of CPS systems and processes against standards or guidelines. We undertook fieldwork between December 2012 and March 2013.

We visited three CPS areas, one casework division and Headquarters. We conducted interviews with a wide range of staff including senior managers, performance managers, lawyers and support staff. We developed a questionnaire which was sent to all Area Performance Managers nationally. We undertook an analysis of all documentation supplied by the CPS and reviewed operational systems.

Assurance arrangements were assessed taking account of the *HM Treasury Assurance frameworks* (December 2012). We also took into account findings and observations from our previous reports and findings from our annual casework examination programme (ACEP), in order to add context to the report.

We developed a standards framework so that we could assess our findings against them. The six standards are:

- Responsibilities for assurance and performance management are clearly defined, understood and followed
- There are effective reporting structures in place to ensure that the right people have the right information to inform decision-making
- There are proportionate systems and controls to gather appropriate accurate performance and assurance data
- Data and information is analysed effectively and drives performance improvements in quality and/or efficiency
- Risks and weaknesses in assurance and processes are identified and mitigated
- There are effective systems for joint performance management with partner agencies

²⁸ We considered front line services in the context of this report to be charging; case progression; presentation at court; customer focus; and partnerships and stakeholders.



B CPS strategic objectives 2012-13

To support the CPS vision and to enable us to focus our effort and activity on the right things, we aim to build on the significant steps made last year to embed our strategic objectives:

- To inspire our **People** to meet the Vision
 - we will deliver our People Strategy, which promotes an inclusive culture of engagement and development of best practice, recognising individual contributions and supporting the Service’s requirement for integrity, fairness, equality and diversity
- To provide a service of the highest **Quality**
 - we have a clear and published approach to quality of service in our Core Quality Standards which set the standards which we seek to apply consistently and by which we are judged
- To provide a streamlined and flexible service delivering greater **Efficiency** – we need to deliver a sustainable approach to efficiency in order to reduce our resource costs and achieve improved productivity, based on a culture of continuous improvement; and
- To transform our business processes through **Digitisation** – by making the most of opportunities for offering a better service that takes full advantage of the efficiencies provided by new and existing technology



C Overview of key CPS assurance processes aligned to front end delivery²⁹

- Core quality standards (CQS)
- CQS monitoring and peer reviews
- Data quality audits
- Victim and Witness Strategy/Delivery Board
- Advocacy strategy and advocacy assessments/Advocate panel scheme
- Local case management panels
- Director's area visits and court visits
- Quarterly performance reviews
- T3 Programme Board
- Digital Working Design Group
- Personal development review process
- Complaints and feedback system
- CQS databank (CQSM/validation measures)
- CQSM Governance Group
- Corporate area performance report
- Hate crime minimum standards/Hate Crime Co-ordinators
- Area Hate Crime Scrutiny Panels
- Advocacy Strategy Group/Quality assurance scheme for advocates
- Very High Cost Cases Case Management Panel
- Custody time limits failure monitoring
- Criminal Justice System Efficiency Programme
- Compass User Assurance Group
- People Strategy/People survey
- Certificates of assurance
- Ad hoc reviews and compliance checks from Headquarters staff

²⁹ Excludes internal audit, partnership arrangements and other independent assurance providers.



D Glossary

Annual casework evaluation programme (ACEP)

Conducted by HMCPSI on CPS casework.

Area Business Manager

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

Association of Chief Police Officers (ACPO)

ACPO leads and co-ordinates the direction and development of the police service in the United Kingdom and Northern Ireland.

Audit and Risk Committee

A board made up of non-executive and CPS members. Amongst other duties they review the effectiveness of systems for internal control, governance and risk management.

Case management system (CMS)

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

Certificate of assurance

An annual assurance statement on the system of internal control produced and signed by the CCP or HOD in areas, casework divisions etc.

Chief Crown Prosecutor (CCP)

The most senior legal manager at CPS area level and the person who is held to account for its assurance controls and performance.

Chief Operating Officer (COO)

The Chief Operating Officer of the Crown Prosecution Service is responsible for driving the continuous improvement of the CPS's front line performance in areas.

CPS core quality standards (CQS)

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

Core quality standards monitoring (CQSM)

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

Corporate information system (CIS)

The core CPS system for recording performance information.

Director of Public Prosecutions (DPP)

The DPP is the CPS Accounting Officer and legal head of the CPS responsible for prosecutions, legal issues and criminal justice policy.

Joint Asset Recovery Database (JARD)

The database which contains information on confiscation of assets.

Management information system (MIS)

The core CPS system for obtaining performance reports and information. Areas are able to draw on a suite of standard reports or design their own. The system receives automatic downloads from CMS overnight and is therefore populated with up-to-date information.

Prosecution team performance management (PTPM)

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

Quarterly performance review (QPR)

On a quarterly basis each area CCP (or HOD) and ABM attend a performance meeting with the Chief Operating Officer to account for their area's performance.

Solidus

Provides management information on telephony system usage for charging purposes.

Weighted measures

These are priority measures and consequently better performance in these areas will mean a better 'points' position in the CPS comparative data table. The measures at the time of this report were: Crown Court and Magistrates' Courts attrition; Crown Court guilty pleas at 1st hearing; Magistrates' Courts prosecutions dropped at 3rd or subsequent hearing; custody time limit failures; prosecution costs; violence against women and hate crime attrition; staff work days lost; court directions and orders complied with; and administration costs.

Xhibit

The Crown Court database for hearings information in the Crown Court across England and Wales.

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