

**THE INSPECTORATE'S REPORT  
ON  
CPS CAMBRIDGESHIRE**

**REPORT 1/03**

**MARCH 2003**

# CPS CAMBRIDGESHIRE



## **AREA OFFICE**

Huntingdon

## **OTHER OFFICES**

Cambridge

Peterborough

## **MAGISTRATES' COURTS**

Cambridge

Ely

Huntingdon

Peterborough

Wisbech

## **CROWN COURTS**

Cambridge

Peterborough

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## **PREFACE**

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

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

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

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

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

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

HMCPSI has offices in London and York. The London office has two Groups which undertake inspections in the Midlands and Wales, and in Southern England. The Group based in York undertakes inspections in Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time HMCPSI is likely to be conducting six geographically-based or directorate inspections and two thematic reviews, as well as joint inspections.

The inspectorate's reports identify strengths and areas for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes provision for such comparison even though that has not yet occurred; this will only be done after the first six inspections when the data available will be sufficient for comparative purposes. HMCPSI points out the care which must be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the first cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no such comparisons are made in this report.

## 1. INTRODUCTION

- 1.1 CPS Cambridgeshire serves the area covered by the Cambridgeshire Constabulary. It has three offices, at Huntingdon, Peterborough and Cambridge. The Area Headquarters are based at the Huntingdon office, which in addition to housing the Area Secretariat, contains a Trial Unit (TU), dealing with cases in the Crown Court, and a Criminal Justice Unit (CJU) dealing with cases in the magistrates' court. This CJU also has an office in Cambridge dealing with Cambridge and Ely cases; the table below combines staff from both offices together under Huntingdon CJU. There is a further Criminal Justice Unit at Peterborough which handles work in Peterborough and Wisbech. Both the TU and the two CJUs are co-located with the police, that is to say, police officers and some police civilian staff work alongside CPS staff.
- 1.2 The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and associated staff. Each of the units is headed by a Unit Head reporting to the CCP. At the time of the current inspection in December 2002, the Area employed the equivalent of 59.2 full-time staff. The staffing structure is set out in Annex 4. The numbers of different grades of staff in the three units is set out below.

<b>Grade</b>	<b>TU</b>	<b>Peterborough CJU</b>	<b>Huntingdon CJU</b>
Level D	3	1	1
Level C lawyers	4.4	4.2	6.8
Level B2 caseworkers	2	1 (DCW)	1 (DCW)
Level B1 caseworkers	14.3	-	-
Level A caseworkers	8.6	2	5.5
<b>TOTAL</b>	<b>32.3</b>	<b>8.2</b>	<b>14.3</b>

The Area currently also has a Level E lawyer on temporary secondment from another Area. An additional 3.6 lawyers and two Level A caseworkers are due to join the staff shortly.

- 1.3 The Area's caseload is set out below.

<b>Category</b>	<b>Area numbers</b>	<b>Area % of total caseload</b>	<b>National % of total caseload</b>
Pre-charge advice to police	523	4.7%	3.9%
Magistrates' court defendants finalised	10,617	95.3%	96%

In the corresponding period the Area finalised 1,294 cases in the Crown Court.

1.4 The caseload falls into the following types.

<b>Offence type</b>	<b>Area %</b>	<b>National %</b>
Summary motoring	21.7%	35.8%
Other summary	21.9%	19.4%
Either way and indictable only	51.7%	40.6%

1.5 The Area was evaluated during the first cycle of inspections in August 2000, with a report being published that November. Since then, in common with other Areas, the Area has received an increase in funding and recruited more lawyers. The caseload has fallen substantially, though this has largely been due to the removal from the figures of “specified proceedings” (traffic offences which can be handled by the police and the courts without assistance from the CPS), which previously the Area was including in its total. The Area continues to have a higher than average proportion of serious cases in its caseload. Tables showing the numbers and grades of staff, and the current caseload compared with the previous one, are given in Annex 1. Three point six new lawyers will have joined the staff by the time of publication. The Area has had some difficulties with recruitment in the recent past but is confident by the time of publication it will be properly equipped to fulfil its role effectively within the criminal justice system.

### **Methodology**

1.6 Prior to visiting the Area for one week in early December 2002 - to assess service delivery at court and interview representatives of the local criminal justice system and members of staff - inspectors read a file sample consisting of 150 recent files, to assess the quality and timeliness of decision-making, and the efficiency of the prosecution process. When considering whether a decision in a case is in accordance with the Code for Crown Prosecutors, inspectors do not disagree with a decision simply because they would have made a different one. In those cases the Inspectorate must be satisfied that no reasonable and experienced prosecutor would have made the decision.

### **Nature of the inspection**

1.7 The current inspection was an intermediate rather than a full inspection, and, following a risk assessment exercise, inspectors focussed primarily on the Area’s work in the magistrates’ court. Crown Court work was examined in less detail, unless a particular issue arose during the course of the inspection itself.

1.8 The last report made a total of 23 recommendations and 12 suggestions, as well as identifying three aspects of good practice. We comment at the appropriate place in the text on the Area’s progress in implementing the most important of these recommendations. In keeping with the revised methodology for Area inspections, the number of recommendations in the present report has been reduced to those the Inspectorate considers to be of major importance to the performance of the Area.

## **2. SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS**

- 2.1 CPS Cambridgeshire has effected significant improvement in the quality of its Crown Court casework since the time of the last report in November 2000, as reflected, for example, in its performance on disclosure, in the general quality of its briefs to counsel, and in close support and file ownership by caseworkers. Other criminal justice system partners generally regard it as well able to handle the most serious casework. There remains some work to do. The Area's Trial Unit has yet to acquire the good habits of early and proactive witness care and communication, and the consistent written demonstration of review.
- 2.2 The inspection coincided with some unusual and heavy demands on the Trial Unit, arising out of the Soham murder case and the co-ordination of a number of cases resulting from a major drugs operation. Whilst inspectors understand the priority that has been given to Crown Court work since the last inspection, and commend the progress that has been made, it appears to have come to some extent at the expense of work in the magistrates' courts, where the standard of work has not been maintained at the level found during the last inspection. Co-location of CPS and police staff has brought tangible benefits in the form of better file quality, better understanding and more accurate charging. However these benefits are not yet being translated into consistently good results: too many cases are entering and progressing through the system without timely initial or adequate continuing review, a problem that is associated with an excessive use of agents in all types of court, and the lack of file ownership by CPS lawyers. The problem may have been exacerbated by temporary staffing problems, which have persuaded managers that a "fire-fighting" approach is the best that can be achieved, but the Area now has sufficient human and financial resources to provide henceforth an improved service and more effective deployment in the magistrates' court. We make further comment at paragraphs 7.1 and 8.4.
- 2.3 Performance management has recently been strengthened and managers are becoming more aware of the aspects requiring improvement, though there is still some way to go. A concerted attempt to tackle these by implementing a culture change is needed in the CJU, to get away from a production-line approach in which responsibility is only taken for a single stage in the process rather than the whole product, and to make case ownership a reality. Such a change, which may be facilitated by recent recruitment and the consequent need for training, now needs to be made.
- 2.4 The Area has done well in increasing Higher Court Advocate (HCA) deployment in the Crown Court and caseworker coverage in court is a strength (almost always one to one). We endorse the view of the CCP that focusing on high standards in relation to the most serious and difficult casework is important both intrinsically and because of the damage which any failure may occasion to public confidence.
- 2.5 There is a solid foundation in relationships with other agencies with an all round commitment to improve, although delivery of better performance has not yet been achieved in summary offences. The CPS and police have worked well together to overcome the inevitable disruption in establishing co-located units throughout the county, and these are beginning to show tangible benefits to both organisations. Despite the challenges outlined above, staff satisfaction (from staff surveys and inspectorate interviews) was generally high. There was a degree of optimism that co-location, new staffing levels and the formation of the Local Criminal Justice Board would bring benefits in 2003.

## **Recommendations**

- 2.6 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.7 We have made five recommendations to help improve the Area's performance.
1. Unit Heads in the Criminal Justice Units ensure that all files are kept under review particularly at the pre-trial review and summary trial review stages (paragraph 4.2).
  2. The Trial Unit Head ensure that in all cases, but particularly those with sensitive or vulnerable victims and witnesses, or those where, for other reasons, witnesses may be reluctant to attend, such witnesses are identified early and appropriate support is extended to them in liaison with the police, the Witness Service and Victim Support (paragraph 5.7).
  3. The ABM ensure that issues identified as of critical importance to the Area are supported by sufficient and reliable performance data which where appropriate should be agreed and shared with other CJS agencies (paragraph 6.12).
  4. Unit Heads review the criteria for agent deployment to ensure they are used only where necessary and in the appropriate courts, and that their usage does not detract from ownership of the cases by CPS lawyers (paragraph 7.12).
  5. The Senior Management Team develop and communicate a clear vision for the future in the Criminal Justice Units based on the greatest possible file ownership and case responsibility amongst lawyers and designed to ensure there is clear accountability for decisions (paragraph 9.17).

### 3. KEY PERFORMANCE RESULTS

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

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Apr-Sep 2002</b>	<b>Area Target 2002-2003</b>	<b>Area Performance Apr-Sep 2002</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>First Review</b>				
Decisions to proceed at first review complying with evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	94.2%
Decisions to proceed at first review complying with public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	100%
Requests for additional evidence/information made appropriately at first review <sup>1</sup>	-	*	-	87.5%
<b>Discontinuance</b>				
Discontinuance rate of completed cases (CPS figure)	-	12.7%	-	9.1%
Discontinued cases with timely discontinuances <sup>1</sup>	-	*	-	82.4%
Decisions to discontinue complying with the evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	75%
Decisions to discontinue complying with the public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	79.2%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information <sup>1</sup>	-	*	-	86.9%
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	*	-	88%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	*	-	100%
<b>Cracked and ineffective summary trials</b>				
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Apr-Sep 02) 30.89%	-	(Apr-Sep 02) 22.35%
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Apr-Sep 02) 37.09%	-	(Apr-Sep 02) 38.95%
Cracked trials in file sample that could have been avoided by CPS action <sup>1</sup>	-	*	-	29%
<b>Summary trial</b>				
Acquittal rate in magistrates' court (% of finalisations) – CPS figure	-	1.7%	-	2.7%
Decisions to proceed to trial complying with the evidential test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	93.9%
Decisions to proceed to summary trial complying with the public interest test in the Code for Crown Prosecutors <sup>1</sup>	-	*	-	100%
Cases with timely summary trial review <sup>1</sup>	-	*	-	57% (37% not known)
Requests for additional evidence/information made appropriately at summary trial review <sup>1</sup>	-	*	-	83.3%
Area self-assessment of cases dismissed on a submission of no case to answer attributable to CPS failure (% of finalisations) [% of cases dismissed no case to answer]	0.006%	0.08% of caseload	0.01% of caseload	0.071% [21.1%]
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	*	-	71.4% (5 out of 7 cases)

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Apr-Sep 2002</b>	<b>Area Target 2002-2003</b>	<b>Area Performance Apr-Sep 2002</b>
<b>CROWN COURT CASEWORK</b>				
<b>Committal and service of prosecution papers</b>				
Cases with timely committal review (including review of "sent" cases prior to service of prosecution case) <sup>1</sup>	-	*	-	81.8% (18% not known)
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors	-	*	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors	-	*	-	100%
Requests for additional evidence/information made appropriately at committal review	-	*	-	80%
Timely and correct continuing review after committal	-	*	-	50%
Cases with timely service of committal papers on defence	80%	86.6% <sup>3</sup>	85%	92.9% <sup>1</sup> 92.2% <sup>2</sup>
Cases with timely delivery of instructions to counsel	84%	86.5% <sup>3</sup>	90%	78.6% <sup>1</sup> 90.7% <sup>2</sup>
Instructions to counsel that were satisfactory <sup>1</sup>	-	*	-	35.7%
<b>Cracked and ineffective trials</b>				
Cracked trials that could have been avoided by CPS action <sup>1</sup>	-	*	-	Not sampled
<b>Level of charge</b>				
Charges that required amendment and were amended in a timely manner <sup>1</sup>	-	*	-	33%
Indictments that required amendment <sup>1</sup>	-	*	-	35.7%
Cases that proceeded to trial or guilty plea on the correct level of charge <sup>1</sup>	-	*	-	100%
<b>Judge ordered and judge directed acquittals</b>				
Area self-assessment of JOA/JDAs attributable to CPS failure (% of finalisations) [% of JOA and JDAs]	0.5%	0.3%	0.5%	0.3% [4.3%]
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome <sup>1</sup>	-	*	-	Not sampled
<b>Trials</b>				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) <sup>2</sup>	-	9.9%	-	12.7%

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

<sup>3</sup> nationally collated figure based on Area self-assessment returns

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [no figures available until six inspections completed]

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

<b>CPS PERFORMANCE</b>	<b>National Target 2002-2003</b>	<b>National Performance Apr-Sep 2002</b>	<b>Area Target 2002-2003</b>	<b>Area Performance Apr-Sep 2002</b>
<b>MAGISTRATES' AND YOUTH COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure correctly handled <sup>1</sup>		*		69.7%
Cases where secondary disclosure correctly handled <sup>1</sup>		*		No defence statement in file sample
<b>Witness care</b>				
Trials where appropriate use made of S9 CJA 1967 <sup>1</sup>		*		96.96%
Trials where appropriate use made of the witness care measures <sup>1</sup>		*		100%
<b>CROWN COURT CASEWORK</b>				
<b>Disclosure</b>				
Cases where primary disclosure correctly handled <sup>1</sup>		*		92.9%
Cases where secondary disclosure correctly handled <sup>1</sup>		*		85.7%
<b>Witness care</b>				
Trials where appropriate use made of witness phasing/standby <sup>1</sup>		*		83.2%
Trials where appropriate use made of the witness care measures <sup>1</sup>		*		100%
<b>COMBINED MAGISTRATES' COURTS AND CROWN COURT</b>				
<b>Custody time limits</b>				
Cases in sample where expiry dates accurately calculated	-	*	-	73.4%
<b>OTHER ISSUES</b>				
<b>Payment of witness expenses</b>				
Payment of witness expenses within 10 days of receipt of claim <sup>2</sup>	100%	99.7%	100%	99.8%
<b>Handling of complaints</b>				
Complaints replied to within 10 days <sup>2</sup>	94%	90%	96%	93.8%
<b>Citizens' charter commitment</b>				
MPs correspondence replied to within 15 days <sup>2</sup>	100%	91.5%	100%	100%
<b>OTHER ASPECTS OF CPS PERFORMANCE</b>				
<b>Improving productivity</b>				
Reduce sick absence rate per member of staff <sup>2</sup>	8.5 days	10.6 days	9.6 days	4.1 days
<b>CJS Youth Justice Performance Measures (shared between Home Office, Lord Chancellor's Department and CPS)</b>				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	68 days	71 days	80 days

<sup>1</sup> as assessed by HMCPSI from examination of the file sample during inspection

<sup>2</sup> self-assessment by Area

\* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [no figures available until six inspections completed]

## Commentary

- 3.1 The figure for compliance with the Code evidential test at first review is lower than in the previous cycle, but the file sample has changed. No database has yet been established in the present cycle that would permit comparisons with performance in other Areas to be made. It should be borne in mind that first review is often necessarily provisional and this figure should be read together with the figure obtained once the cases reach the point of summary trial review, when all available evidence has been gathered, and which suggests that cases are not being examined with sufficient rigour at that stage. In many (32.5%) cases inspectors were unable to tell from the file whether a summary trial review had taken place.
- 3.2 Despite the fact that the Area has a low discontinuance rate, there were a considerably larger number of cases in the discontinued sample where inspectors considered that the decision to discontinue did not comply with the Code – one in four decisions on evidential grounds and one in five on public interest grounds. Again, no database in the current cycle yet exists but the figure is high compared to the last cycle.
- 3.3 The picture in relation to cracked and ineffective trials is mixed. The Area has achieved a significantly better result with ineffective trials than the national figure, whilst the figure for cracked trials is slightly worse.
- 3.4 The figure of 71% (five out of seven cases) of NCTAs (findings of no case to answer by magistrates), which inspectors considered were foreseeable but where no remedial action had been taken, is of considerable concern and is connected with the deficiencies in summary trial review already identified. We comment in detail in the body of the report on the Area's problems with continuing review in the CJUs. Although the Area, as demonstrated in its adverse case reports, is capable of healthy and realistic self-criticism, the discrepancy between the Inspectorate's findings and the Area's own indicates there is still some way to go. In the year ending September 2002 the Area had 33 cases where magistrates found there was no case to answer – approximately one in 250 of its cases that went ahead. The Area, however, considered that only four of those 33 NCTAs were attributable to a failure in the review process. This is twice the national average but nevertheless, if the inspection sample was representative, one would have expected a rather higher proportion.
- 3.5 The figures for Code compliance and level of charge in the Crown Court speak for themselves, and the performance is a significant improvement over the last report. The figure for timely service of committal papers has improved since the last report and now well exceeds the national average. Briefs to counsel figures are slightly down on our sample but we do not consider this a significant problem. The figure for unsatisfactory briefs is high, but was caused in the main by a particular and temporary problem that has now been dealt with. The figure for timely committal review is good, though again the 18% of cases where no record or other evidence of such a review was present require attention.
- 3.6 That 100% of cases proceed on the correct level of charge (irrespective of whether inspectors thought the Code tests had been correctly applied), is commendable, though some credit is we believe due to police Case File Co-ordinators, who have benefited from CPS training. This finding is thus an example of the benefits deriving from co-location.

- 3.7 Performance in relation to disclosure has improved, but more needs to be done in the CJUs to promote consistency of approach. We comment in more detail in the body of the report.
- 3.8 The figures for witness care in the magistrates' court is good, and accords with our findings from other sources.
- 3.9 The figure for persistent young offenders (PYOs) is improving. The Area is still not reaching the target, although in common with some other Areas, the validity of one of the assumptions on which the calculation is based is questioned. The Area has a Case Progression Officer for these cases and has taken the lead among other CJS agencies in addressing the issue, but the regular use of agents to prosecute in youth remand courts is unlikely to assist in the efficient identification and prioritisation of PYOs. In the Crown Court file sample there was also a case involving two PYOs which had not received priority and in which unnecessary delay had occurred.

## 4. CASEWORK

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

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### Overview

- 4.1 Although some serious and sensitive matters in the magistrates' and youth courts are well handled, and disclosure performance has been improved, in the general run of cases, the fundamental function of review appears to be confined to a basic and usually sketchy first appearance review, which is necessarily often provisional. Nevertheless, Narey reviews including such statements as "chances of convicting X are virtually nil", "This is not the best case in the world", "I will run this though slim evidence is acknowledged" – all in cases which proceeded to trial without further apparent review – do not induce confidence that the evidential test is being consistently applied. The problem is compounded because there is no indication in many cases that files are thereafter being reviewed again, either when the full file is received, or for Pre-Trial Review (PTR), or in preparation for summary trial. This failing is linked to a number of others, in particular to the over-reliance on agents both in trial and remand courts (including youth courts); ineffective PTRs; neglect of systems for checking trial readiness; and most importantly of all, a lack of genuine file ownership. This general lack of grip is contributing to a high rate of NCTAs and acquittals and an uneven application of CPS policy on domestic violence and racially motivated offences. The quality of advice is satisfactory but it is frequently late, and sometimes weeks late. In relation to disclosure, inconsistencies of approach and incompleteness of documentation make it impossible to have confidence that the duty of primary disclosure is being scrupulously discharged, and it too is sometimes late, only being given after an order of the court.
- 4.2 In the Crown Court cases are, on the whole, much better prepared and there is more evidence of continuing review, though these are not often endorsed on the file. There were some impressively handled Crown Court files and inspectors were particularly pleased that there is an effective log for recording progress in, and decisions about, disclosure, including the reasons for them. The full and regular use of this document has contributed to the Area's markedly improved performance on disclosure since the last report. External interviewees were generally well satisfied with the Area's performance in the most serious casework, and the police in particular were appreciative of the quality of their input. In the file sample inspectors were concerned to find a minority of files where the quality of briefs to counsel was poor, but we were satisfied that this was largely caused by an isolated and temporary problem, which the Area has now dealt with. Some of the instructions to counsel were very good, with good and, where appropriate, detailed case summaries, and clear instructions about alternative pleas.

### RECOMMENDATION

**Unit Heads in the Criminal Justice Unit ensure that all files are kept under review, particularly at the pre-trial review and summary trial review stages.**

Our specific findings are as follows:

**STANDARD: REQUESTS FOR ADVICE ARE APPROPRIATE, AND DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CODE TESTS AND CPS POLICY.**

- 4.3 Our file sample contained ten advice cases. Two of those were decisions the police could have made for themselves. The Area has a long-standing problem with the timeliness of its advices. At the time of the last report (November 2000) advice was only timely in four out of ten cases, and this was the subject of a recommendation. At the time of this inspection, we were unable to ascertain in three out of ten cases how long had elapsed since receipt of the papers before the advice was given, but five of the remaining advices were given outside the 14 day period, and some of them outside it by a matter of weeks. That the sample was representative was confirmed by examination of the advice logs the Area holds. The files were marked up with the 14 day return date but there was no indication that any chasing or monitoring of timeliness being carried out. The recommendation previously made would not appear to have been implemented, or if so, it has not produced any improvement in performance in the last two years. Not all the advices were typed, but a proper explanation for the decision was given where necessary. In all ten cases the advice given was in accordance with the Code.

**Strengths**

- \* In all cases there was compliance with the Code for Crown Prosecutors.
- \* Advices were generally well reasoned.

**Aspects for improvement**

- \* Advices were frequently given more than 14 days after being requested and sometimes not until several weeks had elapsed.

**STANDARD: JOINT CPS/POLICE PROCESSES ENSURE CASES READY TO PROCEED AT FIRST DATE OF HEARING.**

- 4.4 In both co-located CJUs Narey files are delivered to lawyers by at least the day preceding the first appearance, although some files are being delivered late on that day. CJU managers will wish to ensure both that police are operating correct and suitable cut-off times for charging, and that files are being delivered to lawyers at the earliest possible opportunity to ensure sufficient time for reading and review. In some Narey and other first appearance files seen by Inspectors at court, which had been delivered to agents the previous day, there was no written review. It is recognised that, though inappropriate, time may not have allowed some files to be reviewed before they are delivered to agents. Nevertheless, some files in the file sample had no review endorsed on the white file at all, although in some cases a subsequent review could be deduced from correspondence with the police. In other cases, no first review was

apparently taking place until after several court appearances, including PTR and fixture for trial. Inspectors saw files where agents had repeatedly endorsed requests for files to be reviewed. We were told by lawyers in one CJU that Narey files (cases for first hearing in court) were delivered mixed together with remand files and that first review was considered less pressing than mastering the remand files, because early administrative hearing (EAH) cases were likely to be adjourned anyway. There is an element here of the self-fulfilling prophecy, and the consequence is that such reviews are postponed or sometimes not carried out at all as the files “disappear into the system”. The frequent deployment in non-trial courts - including non-trial youth courts - and DCW courts, of agents who do not have the authority to review or make decisions in cases, creates difficulties. This is contributing to the factors already mentioned in undermining the effectiveness of the Narey arrangements in the Area, and increasing unnecessarily the number of adjournments before a case is dealt with. Further, in very few cases was any record being made of what the advance disclosure (case information provided to the defence) consisted of, beyond the fact that it was given. Even if it has in fact been given, the lack of a record may make it difficult for an agent to progress the case at first appearance.

- 4.5 In the last report inspectors also had concerns about the timeliness of initial review, noting problems similar to those observed on this inspection.

**Aspects for improvement**

- \* Timeliness of initial reviews.
- \* Recording of reviews is often sketchy and sometimes missing completely.
- \* Recording of advance disclosure.

**STANDARD: JOINT CPS/POLICE PROCESSES ENSURE APPROPRIATELY INFORMED BAIL/CUSTODY APPLICATIONS ARE MADE.**

- 4.6 Inspectors were satisfied, in those cases that were seen, that appropriate decisions were being made, but the Area has a high incidence of cases being unable to proceed in the magistrates’ court because the defendant does not attend court. The high usage of agents who have limited decision-making powers at court suggests that bail decisions may not always be robust. It would be of benefit if those cases where defendants did not attend were regularly monitored to assess whether any CPS decisions about bail had contributed.

**STANDARD: AREA PROCESSES ENSURE DISCONTINUANCES IN MAGISTRATES’ COURT ARE BASED ON ALL AVAILABLE MATERIAL AND ARE TIMELY.**

- 4.7 The Area has a relatively low rate of discontinuance but nonetheless inspectors considered that 18.2% of cases should not have been discontinued at that stage. 61.8% of cases complied with the Code, the remainder being either not known or not applicable. Most of the decisions were timely (84.8%), but there was a tendency, having made the decision, to let the matter drift on to the next appearance, when it

would be withdrawn, rather than issue a notice of discontinuance there and then. This practice, which appears to be more prevalent in Peterborough, results in further unnecessary attendances, court time and expense. In cases where discontinuance is necessary, the decision should be taken and implemented at the earliest opportunity. The reasons for discontinuance were often inadequately explained, or not explained at all, in review notes. On the other hand inspectors saw some good examples of letters to victims explaining the decision. In almost all cases the police had been consulted and agreed with the decision. Case File Co-ordinators assisted in this process.

### **Strengths**

- \* Quality of explanation to victims.

### **Aspects for improvement**

- \* Endorsement of clear reasons for decisions.
- \* Timeliness, particularly in the Peterborough CJU.

**STANDARD: AREA SUMMARY TRIAL PROCESS ENSURES THAT THE PRE-TRIAL REVIEW (PTR) AND THE TRIAL DATE ARE EFFECTIVE HEARINGS, AND ANY DECISIONS ON ACCEPTABILITY OF PLEAS OR ALTERNATIVE CHARGES ARE MADE IN ACCORDANCE WITH CODE TESTS AND CPS POLICY.**

4.8 There seems to be general agreement that PTRs are not effective and, for example, are said to have little effect on the incidence of cracked trials. This may well be as much the fault of the defence as of the prosecution. We saw cases where, at PTR, the issues were said to be purely factual, and then at trial turned on a point of law. The issue needs to be tackled on an inter-agency basis by the new Local Criminal Justice Board. However, inspectors also considered that more could be done now by the prosecution to sharpen their focus. We saw no examples of notes from the reviewing lawyer to those handling the PTR, whether agent or other CPS lawyer, as to the issues that required clarification. The absence of a proper written review in such cases would further restrict the potential effectiveness of PTRs. Judging by the PTR pro-formas, which are retained on file, the hearing is usually confined to brief and perfunctory generalities, with issues merely being described as “factual.” The prosecution should be pushing for more specific clarification of the issues.

4.9 So far as readiness to proceed on trial dates is concerned, the Area has a “red form” designed to ensure that comprehensive pre-trial checks are carried out. We were told that this form is considered inadequate and that it is intended to replace it with a new one. We considered, however, that if conscientiously completed it would go a long way to ensure pre-trial readiness. However, it was not usually present in trial files and, where present, had not been fully completed, its use being confined to the mechanical aspects, eg witness warning. One file from the Peterborough CJU contained a fully completed form headed “Case Evaluation for Trial” which the Area might consider

adopting more widely. Another file from the Huntingdon CJU had a careful pre-trial check endorsed. In some other cases it was possible to deduce from correspondence, memos etc that a review of the evidence had taken place. However, in the majority of cases, it was not apparent that there had been any summary trial review by a lawyer, and our interviews with lawyers in both CJUs confirmed that it was not routine practice to carry out such reviews.

**Aspects for improvement**

- \* Pre-Trial Review preparation and the handling of PTRs themselves both need to be made more effective.
- \* Summary Trial Review: a timely and comprehensive legal assessment needs to be made and endorsed as well as an administrative check.

**STANDARD: AREA PROCESSES FOR CASES “SENT” OR COMMITTED FOR TRIAL TO THE CROWN COURT ENSURE THAT:**

- \* **SERVICE OF THE PROSECUTION CASE ON THE DEFENCE TAKES PLACE WITHIN AGREED TIME PERIODS BEFORE COMMITTAL/PLEA AND DIRECTIONS HEARING (PDH);**
- \* **PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE;**
- \* **THE ADVOCATE IN THE CROWN COURT IS FULLY INSTRUCTED.**

4.10 Inspectors were satisfied that that there are adequate arrangements in place to ensure that the prosecution papers are served on the defence within agreed time periods. The Area is exceeding its targets in this regard. In the Crown Court, and by agreement with the Resident Judge, service of the papers in routine section 51 cases is taking place within 28 days rather than 42. Where a longer period is required, appropriate and timely representations are being made at the preliminary hearing. The delivery of instructions to counsel is also timely. There are case progression systems in place to ensure that directions are complied with and the Area has agreed with the Crown Court to provide certificates of readiness; both systems seem to be functioning well. Witness non-attendance is a major reason for non-effective trials in the Crown Court, and may be a factor in some cracked trials. The Area needs to be liaising more closely with police to keep track of witnesses and issue witness summonses earlier where appropriate. We deal with this in more detail under the section dealing with service delivery at court, at paragraphs 5.1 and 5.7.

4.11 There were a number of files in the file sample where counsel had not been fully instructed, and where briefs contained no case summaries and no instructions about acceptability of pleas. This was of particular concern since four of the cases concerned racially aggravated incidents, where clear instructions about alternative pleas are particularly important. However, we were satisfied that, for the most part, this was an isolated and now historical problem and that, setting it to one side, the quality of instructions was in many cases good, with detailed case summaries and, in most cases, clear instructions about pleas. There were one or two other instances of counsel being

simply referred to the police case summary, which is not sufficient: instructions should summarise the issues in the case. In another case, involving two PYOs, that factor was not referred to in the brief. It is a pity that these factors have lowered the Area's overall performance on the quality of instructions when there is plainly much good work being done. There also seems to be some confusion as to the division of responsibility between caseworker and lawyer and possible duplication of effort. There should be no doubt that, in the final analysis, the responsibility for the quality of the instructions rests with the reviewing lawyer. Case summaries should always be completed by the lawyers, and should always include a crisp analysis of the issues. The Trial Unit Head will want to ensure that appropriate instructions about pleas are given in all appropriate cases, and that there are proper case summaries. TU Lawyers should ask themselves when briefing whether they are satisfied that counsel has been given all necessary information. Nevertheless, the quality of briefs, which was a matter of concern at the time of the last inspection, has shown a significant improvement.

- 4.12 The Area prides itself on maintaining one-to-one caseworker coverage, even where cases are heard, as they frequently are, outside the Area. Caseworkers are producing commendably full notes of what takes place at court, are well-informed about cases, and able to ensure counsel remain fully instructed should circumstances change.

**Strengths**

- \* Timely service of papers.
- \* Quality of caseworker support.

**Aspects for improvement**

- \* Some instructions to counsel need more detail about offences and acceptability of pleas.

**STANDARD: AREA PROCESSES FOR DISCLOSURE ENSURE FULL AND TIMELY COMPLIANCE WITH CPIA AND CPS POLICY/OPERATIONAL INSTRUCTIONS IN BOTH MAGISTRATES' AND CROWN COURT.**

- 4.13 The timeliness and the quality of compliance with CPIA in the Crown Court is good, both as to primary and secondary disclosure, and has recently improved. The Area maintains a separate folder for the unused material and there is a detailed disclosure log which charts the key steps in giving disclosure, and thus acts as a comprehensive and readily available check of compliance. The log also usefully records reasons for decisions. In the main, though not invariably, the folders also contained the defence statement and relevant correspondence, which at the time of the last inspection were often missing from the folder. In relation to sensitive material, we were satisfied that it was properly handled in almost all cases in the file sample, though in one case it did not appear to have been looked at and the MG6D (police list of sensitive information relevant to case) was unsigned. External interviewees have raised concerns that a very restricted definition of what is potentially undermining material may be being applied, and lawyers will want to ensure that they can justify their decisions, and that they are fully recorded on the log.

4.14 There has also been improvement in the magistrates' court, but some aspects remain unsatisfactory, both as to quality of compliance and timeliness, with inspectors not satisfied that primary disclosure was properly handled in some 30.3% of relevant cases, and it being not timely in 27.3% of cases. In a number of files, an order by the court that primary disclosure be given was endorsed on the file, which should not have to happen. This may be either because the disclosure had not in fact taken place, or because the lawyer/agent could not demonstrate to the court that it had been. The CJU could usefully adopt the disclosure log from the Crown Court, which, suitably modified, would deal with both possibilities. This suggestion was made in the last report, but has not been taken up. This would also help agents or other lawyers to respond to specific applications by the defence to the magistrates, which inspectors were told is a frequent problem. So far as quality of compliance is concerned, the practice in the CJU as to what is endorsed on the MG6C (police list of potentially disclosable items) is not consistent. On occasions it was not completed at all, on numerous others it was simply initialled and dated. A full set of the documents listed was not always included on the file and the combination of these circumstances does not inspire confidence that they had been examined to check whether any part of them might undermine the prosecution's case. Indeed, in some instances, the reviewing lawyer indicated specifically that they had not read the documents but relied on the officer's assurance, which is not sufficient.

#### **Strengths**

- \* The disclosure log in use in the Crown Court.

#### **Aspects for improvement**

- \* Timeliness and consistency of approach to primary disclosure in the magistrates' court.

**STANDARD: SENSITIVE CASES (DOMESTIC VIOLENCE, CHILD ABUSE/CHILD WITNESS, RAPE, HOMOPHOBIC ATTACKS) ARE DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CPS POLICY AND IN A MANNER FREE FROM BIAS AND DISCRIMINATION; AND RACIALLY AGGRAVATED CRIME IS DEALT WITH IN A MANNER THAT IS FREE FROM BIAS AND DISCRIMINATION.**

4.15 The file sample contained a substantial number of domestic violence and racially aggravated cases, and some cases involving child witnesses. One child witness case in the magistrates' court involved a successful application for special measures, which was thoroughly researched and carefully handled.

4.16 Inspectors had some concerns as to whether domestic violence and racially aggravated cases were being consistently handled in accordance with CPS policy. The Area has one domestic violence specialist, who neither handles nor personally supervises all domestic violence cases, and no race specialist. Though some cases were well and vigorously prosecuted, in others inspectors detected an apparent willingness to compromise the case, ie by proposing bind-overs even before the alleged victim appeared to have indicated any wish to withdraw. In others decisions were being made without adequate information as to background.

- 4.17 In relation to racial cases, a substantial minority of the file jackets were not clearly marked as racial. In these cases in the magistrates' court, it is particularly important that there be a review note indicating at least how evidentially strong the racial element is considered to be, and flagging up the important public interest element: this was often not present. Since PTRs and, particularly trials, are often handled by agents, its absence hampers correct decision making. Some cases appeared to be handled without a full evaluation of the racially aggravated element, and were thus prone to be compromised at court by the acceptance of pleas to the non-racially aggravated version of the offence. In the Crown Court we looked at four racially motivated cases. In three of those cases the brief was wholly inadequate, having no case summary, no reference to pleas, and no reference to the importance of the racial element. In one matter these failings had contributed to a plea being accepted to a non-racially aggravated version of an offence without apparent consultation with the reviewing lawyer. These briefs were, however, part of the isolated and historic problem referred to above.

**Aspects for improvement**

- \* Consistent application of domestic violence policy.
- \* Clarity in evaluation of racially aggravated element in offences.

**STANDARD: FILE/MESSAGE HANDLING PROCEDURES SUPPORT TIMELY CASEWORK DECISIONS AND ACTIONS IN BOTH MAGISTRATES' COURT AND CROWN COURT.**

**Custody time limit systems and recording of case outcomes**

- 4.18 We examined a total of 15 cases while on site in the Area, ten magistrates' court and five Crown Court files.
- 4.19 Orange fluorescent stickers are used to identify custody cases. In the CJUs, the computer-generated "SCOPE" label is used to record expiry and review dates. In one CJU, expiry and review dates on the file are sometimes endorsed as 'in' and 'out' dates. We considered this to be somewhat misleading but understand steps have already been taken to change this system.
- 4.20 Review dates and expiry dates are recorded in manual diaries and checked and annotated with any action taken. SCOPE management reports are also used to cross-reference and back up the diary system.
- 4.21 Whilst the SCOPE label has a specific section for the recording of custody time limit (CTL) 'Action' and 'Expiry' dates, it does not provide sufficient space to record separate time limits in multi-defendant cases or, where appropriate, cases with more than one charge. This is a national problem identified in the Inspectorate's Thematic Review of Custody Time Limits (published August 2002). The Area should take steps to ensure that all staff are alert to situations where separate expiry dates are required and that clear and accurate information on every defendant's custody status is available by looking at the front of the file. We saw one case where only one time limit was recorded although two of the defendants should have attracted different expiry dates and another case where a new custody time limit should have been added as a result of an additional charge.

- 4.22 Four expiry dates out of 15 were incorrectly calculated, three in the CJU and one in the TU (26.6%). Two of these appeared to be as a result of unclear endorsements. We saw five cases where the court endorsement did not clearly indicate the custody status of the defendant(s).
- 4.23 We saw one Crown Court case where an application to extend the expiry date did not appear to have included a chronology of the case. We understand that this has been a problem in the past but that the Area is addressing the issue.

**Strengths**

- \* Use of SCOPE and management print outs to assist with the monitoring of CTLs.

**Aspects for improvement**

- \* Accuracy of expiry dates and clear endorsements.
- \* Recording of separate time limits in cases with a number of defendants or charges.

**STANDARD: AREA HAS SYSTEMS TO ENSURE COMPLIANCE WITH DUTY TO SUPPLY CASE INFORMATION TO NATIONAL PROBATION SERVICE AND YOUTH OFFENDING TEAMS.**

- 4.24 On most files in the file sample, it was not possible to ascertain when, or if, agreed case information had been sent to the National Probation Service, since copies of the pro forma letter were either missing or had not been completed. That there has been a problem in the provision of advance disclosure information was confirmed by our external interviewees. A local protocol exists between the CPS and the National Probation Service; we were told that it is to be jointly reviewed in January 2003, and that there is optimism on both sides that this will produce improvements.

**Aspects for improvement**

- \* Provision, and recording of, provision of case information to the National Probation Service.

**STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION WITH VICTIMS.**

- 4.25 The Area has only recently implemented its Direct Communication with Victims initiative and part of the file sample was finalised prior to that implementation. The letters to victims which we saw were satisfactory, though we were told that victims are not always being written to where charges are reduced or pleas accepted to lesser offences.

**STANDARD: COURT ENDORSEMENTS ARE ACCURATE AND THOROUGH AND TIMELY ACTIONS ARE TAKEN AS A RESULT.**

- 4.26 Caseworkers in the TU are generally very conscientious in endorsing what happens in the Crown Court and there is usually a clear record of what took place at magistrates' court hearings. Appropriate administrative actions are being taken in response to these. However, we have seen endorsements from agents who were unable to progress the matter at court because the file had not been reviewed in the CJU, sometimes on more than one occasion: we refer to this matter elsewhere at paragraphs 4.1 and 4.4.

**STANDARD: AREA HAS EFFECTIVE SYSTEMS IN PLACE TO IDENTIFY LEARNING POINTS FROM CASEWORK AND IMPLEMENT IMPROVEMENTS.**

- 4.27 Adverse case reports are compiled and seen both by the relevant Unit Head and by the CCP. There are also regular discussions with the police. We saw examples where both levels of management had commented on the results on the forms and dissented from the reviewing lawyer. Though we saw one or two responses of disarming frankness from lawyers they do not always accept responsibility where appropriate and therefore the process cannot generate any learning points. Our figures for foreseeability and lack of remedial action in relation to NCTAs are at wide variance with the Area's own, which indicates a lack of real objectivity in some of the Area's assessments of its performance.

**STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION WITH VICTIMS.**

- 4.28 This initiative has only recently been fully implemented in the Area and was not inspected in detail. Such indication as were received showed that the Area was making progress, however for specific comment see paragraph 4.25.

**5. ADVOCACY AND QUALITY OF SERVICE DELIVERY AT COURT**

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**KEY REQUIREMENT: THE AREA DELIVERS A HIGH QUALITY OF SERVICE, INCLUDING ADVOCACY, TO THE COURT, OTHER COURT USERS, AND VICTIMS AND WITNESSES; THE QUALITY OF SERVICE IS FREE FROM BIAS AND DISCRIMINATION, AND CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS.**

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**Overview**

- 5.1 For the most part inspectors were satisfied that the Area is delivering a good standard of service in the Crown Court. Counsel appearing were of the appropriate seniority and experience and Higher Court Advocates (HCAs) were fully deployed, covering all types of appropriate hearing. The one exception was in the area of witness care, where inspectors were not convinced that the Area is yet doing all it reasonably could, if only in the interests of ensuring that trials proceeded. Many cases are still ineffective in the Crown Court as a result of non-attendance by witnesses, and without the necessary support, vulnerable witnesses, even if they come to court, may not give the best evidence they can, or may refuse to give evidence at all; such a case was to be found in the file sample. The Area, in liaison with the police, needs to keep more actively in touch particularly with such witnesses, identifying them at an early stage and being more pro-active in involving the Witness Service or Victim Support.
- 5.2 So far as the magistrates’ court is concerned, the quality of the Area’s employed advocates is satisfactory. The problem here is that too many of the court sessions are being covered by agents, both as demonstrated by an historical analysis of court rotas and as observed on this inspection. Whilst there will always be a place and a need for some agents, the usage in Cambridgeshire raises issues, as it did also at the time of the last report. Their quality is also much more variable than that of CPS advocates: one of those seen on this inspection was not of an acceptable standard. There is a clear and deleterious link between the use of agents in remand courts and the lack of progress in cases. There needs also to be more lawyer involvement in trials, to boost genuine file ownership and reinforce responsibility for decision making. The Area is well aware of this problem. New incoming lawyers and the resumption of TU lawyer presence in the magistrates’ court creates an opportunity to tackle it.
- 5.3 At court the quality of witness care is good, and the Area seems to perform better than in the Crown Court in doing all that it can to assist its witnesses.

<p><b>Strengths</b></p> <ul style="list-style-type: none"><li>* Good standard of service and HCA coverage in the Crown Court.</li></ul>
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<p><b>Aspects for improvement</b></p> <ul style="list-style-type: none"><li>* Excessive use of agents in the magistrates’ court in all types of hearing.</li><li>* Need for earlier and more pro-active witness care in the Crown Court.</li></ul>
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Our specific findings are as follows:

**STANDARD: SELECTION AND MONITORING OF ADVOCATES IN THE MAGISTRATES' COURTS AND THE CROWN COURT ENSURES CASES ARE PRESENTED TO A HIGH STANDARD AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION, AND THAT SELECTION OF ADVOCATES COMPLIES WITH CPS GENERAL DUTY UNDER THE RACE RELATIONS (AMENDMENT) ACT 2000.**

- 5.4 The Area maintains detailed and up to date statistics monitoring the distribution of its briefs to counsel. This is commendable, and enables it both to ensure that it is fulfilling its duties in relation to race and gender and to demonstrate where necessary that work is equitably distributed amongst its preferred sets. Arrangements for monitoring of performance by advocates are currently informal and haphazard: given the close caseworker support in the Crown Court, more formal and regular monitoring, with a caseworker report in each case, could usefully be introduced. In the magistrates' court, the Area receives some feedback from magistrates' court clerks where performance of agents is markedly below standard, and has taken action in response to it. It cannot rely exclusively on this form of monitoring however, and Unit Heads should be observing all CPS lawyers from time to time.

**Strengths**

- \* Statistics monitoring the distribution of briefs to counsel.

**Aspects for improvement**

- \* Structured and formal arrangement for the monitoring of all advocates.

**STANDARD: PREPARATION FOR COURT IS EFFICIENT AND ENABLES BUSINESS TO PROCEED AND PROGRESS.**

- 5.5 We have commented earlier on the current deficiencies in the timeliness and quality of both initial and continuing review and the reduction in efficiency which is caused by these factors, combined with the use of agents in remand courts.

**STANDARD: STAFF ATTENDANCE AT COURT IS TIMELY AND PROFESSIONAL, AND THE CORRECT LEVELS OF SUPPORT ARE PROVIDED.**

- 5.6 We have commented elsewhere on the good level of caseworker support in the Crown Court. In the magistrates' court, attendance by the Area's own lawyers is timely, but agents, particularly from London, arrive late sufficiently frequently to have become the subject of adverse comment.

**STANDARD: WITNESSES ARE TREATED WITH CONSIDERATION AT COURT AND RECEIVE APPROPRIATE SUPPORT AND INFORMATION.**

- 5.7 Inspectors were satisfied that witness care at court was, in general, good, but in the Crown Court the TU is not taking action sufficiently promptly, or at all, to bring to the attention of the Witness Service those witnesses who may be vulnerable, or who are likely to require support while awaiting the listing of a case. An agreement reached between the agencies on this important matter bore very little fruit and needs revisiting urgently. In the longer term, lawyers in the TU must be encouraged to consider the aspect of witness care as an essential feature of preparation for trial.

**RECOMMENDATION**

**The Trial Unit Head to ensure that in all cases, but particularly those with sensitive or vulnerable victims and witnesses, or those where, for other reasons, witnesses may be reluctant to attend, such witnesses are identified early and appropriate support is extended to them in liaison with the police, the witness service and victim support.**

## 6. PERFORMANCE MANAGEMENT

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

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### Overview

- 6.1 Inspectors thought that, whilst some progress has been made, there is still much to do to implement a truly effective performance management system. It is recognised that the appointment of a dedicated performance manager (based in the CPS premises) as part of the Local Criminal Justice Board (LCJB) should prove beneficial. While understanding the Area's focus on major Crown Court cases, there is a need to tackle some important aspects of casework performance in the magistrates' courts. We comment further on the need for a culture change in the section on people management.

**STANDARD: PERFORMANCE IS REGULARLY MONITORED BY SENIOR AND MIDDLE MANAGEMENT AGAINST PLANS, OBJECTIVES, TARGETS AND STANDARDS; EVALUATED; AND ACTION TAKEN AS A RESULT.**

- 6.2 The Area has made some progress since the last inspection in that there is a wider range of performance data available to inform managers. The Area's results of performance against national CPS objectives are generally favourable. However the inspection process examined aspects of performance which are more qualitative and not covered by CPS objectives, and here the findings from the file sample were less favourable.
- 6.3 The Area collects data on their compliance to CPS targets and distributes this to staff on a monthly basis. Performance is often discussed at AMT meetings although the topics vary from meeting to meeting.
- 6.4 However, some of the information available in the Area, particularly data involving multi agency work, is considered unreliable. More importantly, there is insufficient relevant information with regard to some aspects of work identified by the Area as of key importance.
- 6.5 The Area has identified the volume of court sessions as a key issue, which they believe affects the performance of the Area, but they have not been able to find an effective solution. Negotiations with the magistrates' court have failed to progress due to a lack of sufficiently detailed and reliable data on which both parties can agree.
- 6.6 We were encouraged that the Area had recently started a programme of casework quality assurance by dip sampling. This is proving to be useful and has resulted in some helpful learning points for individuals. As more data becomes available, Area managers will want to develop the system to achieve analysis of any trends, more widespread dissemination of learning points and translation of information into improved performance.

- 6.7 The Area has found it difficult to bring about improvements in some areas of known concern, for example timeliness of advice, file endorsements and review. The Area managers feel that they are temporarily in a ‘fire-fighting’ mode which inhibits improvement activity. We consider that there are more fundamental cultural issues which need to be addressed to change this position. A number of issues raised in the last inspection have not been satisfactorily resolved, although we do recognise that there has been significant improvement in Crown Court casework.
- 6.8 The robustness of analysis of adverse cases is variable. Four of the no case to answers sent to us in our file sample were incorrectly finalised as adverse cases. On the other hand, we were pleased to note that, on occasions, managers had recognised an opportunity for improvement missed by the lawyers concerned.

### **Strengths**

- \* The individual feedback provided to lawyers and caseworkers as a result of the dip sampling introduced for quality assurance purposes.

### **Aspects for improvement**

- \* The analysis of adverse cases in the magistrates’ court needs to be more robust and timely.
- \* Analysis and wider dissemination of learning points from dip sampling is not yet in place. This is very important in light of our findings in the file sample.
- \* The inclusion of work of level A staff in dip sampling, particularly with regard to accuracy of case finalisation, would be useful.
- \* Accurate information on court sessions per lawyer would be helpful.

### **STANDARD: SYSTEMS ARE IN PLACE FOR THE MANAGEMENT OF PERFORMANCE JOINTLY WITH CJS PARTNERS.**

- 6.9 The nationally agreed cracked and ineffective trial monitoring system has been used in the Area since the Spring of 2002. Analysis of a number of forms indicates that not all agencies are yet fully engaged, but we were made aware of plans to try and improve the situation.
- 6.10 Joint performance management (JPM) with regard to the quality of police files has been sketchy in the past. Lawyers frequently failed to complete the appropriate TQ1 forms used to monitor performance, although this has improved a little in recent times to a much more acceptable level. Most staff considered that the quality of police files was now good, having improved since the arrival of the police Case File Co-ordinators in the co-located units.

- 6.11 On an overall basis, performance is now more widely discussed in multi-agency meetings with the police and courts, although, on occasion, the effectiveness of the discussions can be hampered by the lack of reliable information.
- 6.12 Perceptions were mixed with regard to the effectiveness of Trials Issues Group and Area Criminal Justice Strategy Committee meetings in driving forward county-wide improvements. However there was widespread optimism that the LCJB, which will replace these fora, will provide an opportunity to implement a more robust and joined-up performance management system.

#### **Strengths**

- \* Constructive and useful discussions of casework issues at quarterly meetings between police and CPS and progress is formally tracked.

#### **Aspects for improvement**

- \* Reliability and completeness of data in court sessions, JPM and cracked/ineffective trials.

#### **RECOMMENDATION**

**The ABM ensures that issues identified as of critical importance to the Area are supported by sufficient and reliable performance data which, where appropriate, should be agreed and shared with other CJS agencies.**

## 7. PEOPLE MANAGEMENT AND PEOPLE RESULTS

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### KEY REQUIREMENT:

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

NB: *We did not inspect fully against all defining elements of this criterion, as we were perfectly happy with the Area's approach to statutory requirements and health and safety. Issues with regard to training, communication and appraisals were inspected with a light touch, sufficient to confirm our initial assessment that the Area generally performs satisfactorily in those aspects of work.*

### Overview

- 7.1 Many aspects of people management are handled well and this was reflected in the findings of the staff survey. However there are a few very important issues where we consider the Area should have done better. The Area has clearly had a challenging year as a result of a number of significant issues occurring within a relatively short time span; three staff on maternity leave and Operations Harrier and Fincham. However, other factors, over which the Area had more control, have also contributed to some difficulties in case management – particularly in the magistrates' courts.
- 7.2 We were satisfied with the Area performance in respect of staff appraisals. This was substantiated by the staff survey and confirmed during the on site phase.
- 7.3 Most feedback on training was also positive. Training plans have recently been improved and updated. Good preparation has been made for training staff on the implications of the Proceeds of Crime Act which will affect the Area in 2003.
- 7.4 A high percentage of staff are happy with communication from managers, with a mixture of written, electronic and face to face means of passing information. The majority of staff did not object to the recent increase in communications in writing and by e-mail.
- 7.5 Many staff have shown a committed and flexible approach to the different and sometimes additional work needed as a result of Operation Harrier (a multi-defendant series of drugs cases), and Operation Fincham, the Soham murder case.
- 7.6 We found a higher level of staff satisfaction in Cambridgeshire than we have experienced in many Areas. Staff, for the most part, commented that they enjoy their work. After some initial concerns over co-location, the staff involved are now positive and optimistic.

### **Strengths**

- \* A high percentage of staff are committed, flexible and optimistic.

### **Aspects for improvement**

- \* The Area needs to improve the review of the effectiveness of internal training.
- \* Staff would welcome more management visits to Cambridge and Peterborough.

#### **STANDARD: HUMAN RESOURCES ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED.**

- 7.7 We thought recruitment activity could have started earlier than August, particularly in light of the Area's recognition of the historical difficulties in attracting staff. Whilst recognising that the budget allocation position was not clear until that point, the Area had an agent spend of almost £200,000 in the previous year which could have been 'converted' into permanent staff, and the Area had underspent by £50,000+ its budget in 2001-02 (the Area will also have been aware of the maternity issues). As it stands, there are an extra 3.6 lawyers joining shortly, some of whom might have been able to start earlier.

### **Aspects for improvement**

- \* Allocation of staff between units to be weighted by volume of work and levels of experience.

#### **STANDARD: STAFF STRUCTURES AND NUMBERS ENABLE WORK TO BE CARRIED OUT COST EFFECTIVELY.**

- 7.8 We recognise that the Area has faced some challenges this year but we believe that more effective use of resources could have been achieved. Our key concerns relate to:
- \* low levels of lawyer coverage in court;
  - \* the extensive use of agents in remand, youth and DCW courts;
  - \* the division of staff between the units;
  - \* delays in recruitment.

Lawyers in the Criminal Justice Units have not been deployed extensively in court. An analysis of sessions covered in-house during the early part of 2002 revealed that, in a random five week sample, on only three occasions was a lawyer covering six sessions in any week. This is lower than normally encountered and falls short of the Area's stated target for full-time lawyers.

- 7.9 This has contributed towards a high use of agents in the magistrates' courts - increased from 15% of court sessions to 47% over two years. This has led to a situation where agents are regularly covering remand courts, which will often delay case progression. Analysis of deployment also indicated that agents were used in youth remand courts on 14 occasions in each of the three random months checked. This is contrary to CPS policy, although we accept that the Area has tried to use an ex-member of staff, who is experienced in youth cases, to handle a reasonable proportion (about half in sample) of the courts. We accept the desire to try and ensure that prosecutors have the opportunity to handle some trials (this was happening more in Huntingdon), which may occasionally mean agents covering remand courts, but we consider that the balance could have been better achieved. Throughout the summer, staff shortages have exacerbated the problem, but new staff are due to join shortly which will hopefully reduce reliance on agents in the not too distant future.
- 7.10 We were concerned that the split of lawyers between the CJUs could have been more balanced. Peterborough CJU handles almost 50% of the work but has a smaller ratio of overall staff, many of whom will be relatively inexperienced in terms of CPS work. Whilst we recognise the Area's commitment to family-friendly policies, this must be balanced against business needs. The future staffing plans given to us at the end of the inspection improve the situation a little, but we consider that they will need to be kept under review.
- 7.11 Six of the 17 lawyers scheduled to work in the CJUs are part-time, and this has provided additional challenges for Area managers. A high proportion of CJU lawyers are also relatively inexperienced in CPS work. Managers will need to carefully monitor the situation to ensure that an appropriate balance is maintained. There has been good effort to support some of the newer lawyers.
- 7.12 Whilst stretched by a recent jump in serious casework, the staffing situation in the TU is more positive. The lawyers are more experienced, and there are sufficient caseworkers to provide one-to one coverage at virtually all cases, which is most unusual. Due to the upsurge in serious casework the TU lawyers no longer support the CJU in covering court sessions.

### **Strengths**

- \* Case ownership by caseworkers in the Trial Unit.
- \* There is a high quality newsletter in the Trial Unit.
- \* Area sickness levels have been low – second lowest in CPS in 2001.
- \* HCA deployment has increased significantly and is on target.
- \* The number of minority ethnic and female staff exceeds the Area targets.

**Aspects for improvement**

- \* More effective deployment of lawyers.

**RECOMMENDATION**

**Unit Heads review the criteria for agent deployment to ensure they are used only where necessary and in the appropriate courts, and that their usage does not detract from case ownership by CPS lawyers.**

## 8. FINANCIAL MANAGEMENT AND FINANCIAL RESULTS

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

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### Overview

- 8.1 Our evaluation of financial data and information provided by the Area prior to the inspection, led us to conclude that the appropriate controls and systems were in place to ensure that the Area can stay within budget. Our spot checks on site confirmed this.
- 8.2 We were satisfied that the Area complies with CPS guidelines on financial management. The Area should have no difficulty in remaining within budget in this financial year, although the additional staffing will bring some pressures if agent spend is not reduced. The Area has consistently achieved a ‘within budget’ result.
- 8.3 We were pleased with the management of counsel fees. The Area has good systems for monitoring and processing payments using the new Graduated Fees Scheme.
- 8.4 The increased staffing levels, which are now in place or planned, will allow for very limited use of agents next year, unless un-forecasted additional funding is made available. Statistically, we had some concerns that the Area is not overly ‘efficient’ in terms of the number of cases processed (see Annex 1). This can also be affected by the performance of other CJS agencies, and we were encouraged that representatives of the magistrates’ courts accept that they can help by improving their own systems, and expressed a desire to do so. We recognise that these are not normal times in the Area with the heavy Crown Court caseload, and the full impact of co-location still emerging. However, we believe that the Area should keep staffing levels under review, and be prepared to adjust as circumstances allow.
- 8.5 We have already expressed our concerns at the excessive use of agents in the magistrates’ courts. This often leads to poor value for money as the cases do not progress as they might when prosecuted by a CPS advocate. This is covered in more detail in the people management section of the report.
- 8.6 Our other main concern relates to the accurate finalisation of cases. We believe that the Area has not been consistently capturing in the Performance Indicators (PIs) all the motoring offences that it has been legitimately entitled to claim. As an example, the number of proofs-in-absence has fluctuated widely on a quarterly basis - ranging from 62 to 223 in one CJU and from seven to 112 in the other. Some staff felt that co-location and changes to administration staff had led to a lack of certainty in dealing with traffic files. As the throughput of cases determines future budgets, this represents a risk to the Area getting a fair share of the national budget. The Area had recently organised some PI training, which should help in improving the accuracy of input. Managers need to satisfy themselves that sufficiently reliable systems are in place.

**Strengths**

- \* The system for payment of counsel fees is proactive and well-managed.

**Aspects for improvement**

- \* Performance Indicator accuracy and completeness.

## 9. LEADERSHIP AND GOVERNANCE

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

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### Overview

- 9.1 The Area has achieved a considerable amount of progress in the handling of Crown Court casework. The situation is less positive in the management of magistrates' courts work, although the setting up of the co-located units has been a major success. The Area is at a crossroads now with a foundation for development: solid Crown Court work; co-location in place; large increase in staff. A clear direction and vision for the future is now needed, particularly with regard to CJU work.

**STANDARD: VISION AND VALUES ARE DEVELOPED AND SUPPORT A CULTURE OF CONTINUOUS IMPROVEMENT.**

- 9.2 The major focus of attention in this year has been the effective handling of the major Crown Court cases, and there is a positive attitude to such work. Area managers now need to ensure that the approach to serious casework is more consistently applied throughout the teams. We observed examples indicating a negative approach, which is not conducive to effective management of performance. There are opportunities in staff rotations, and with new joiners, to reinvigorate staff attitude and magistrates' court casework.

- 9.3 While there have been some examples of a proactive approach in strategic matters, there is a perception that the Area is more reactive, although usually responsive, at operational level. This may be linked to the 'fire-fighting' mind set that currently exists. There is some way to go yet in achieving a consistent culture of continuous improvement.

**STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF.**

- 9.4 Managers have made efforts to recognise the contribution of staff in both written communications and in some face-to-face meetings. A higher percentage of staff expressed satisfaction at work than we normally find.

**STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE MANAGEMENT STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES.**

- 9.5 Generally the structure is sound, although there are naturally challenges for managers in the Southern CJU, which is spread over two sites. The most unusual feature of the Area is the use of DCWs to line-manage level A staff in the magistrates' courts teams. This has not been without its difficulties in recent times as other priorities have caused some conflict in the use of their time. As the new level A staff take up posts it is important that they be given appropriate support. It is to be hoped that the additional resources recently recruited will free up line manager's time.

**STANDARD: EFFECTIVE PLANS OF ACTION, WHICH IDENTIFY KEY ISSUES, AND WHICH REFLECT CPS AND CJS STRATEGIC PRIORITIES, AND LOCAL NEEDS, ARE IN PLACE.**

- 9.6 The Area Business Plan 2002-2003 includes a risk management programme for the first time. As the Area becomes more familiar with the process, there is scope for improving the identification of risks and their preventative measures. We also consider that the Plan would benefit from greater detail, particularly in respect of responsibility and timescales for delivery.
- 9.7 The Glidewell plans have evolved and delivered a co-located structure that is viewed positively by representatives of all major CJS agencies. A review was conducted which confirmed that the change was viewed positively by both CPS and police staff. The Area has done well to make such early progress towards implementing this important restructuring.
- 9.8 We have already commented in the performance management section of this report on the need for better data to support achievement of key local objectives.

**Strengths**

- \* Co-location has been accomplished and is continuing to develop.
- \* Staff and other CJS agencies are positive about the benefits now and optimistic about the future.

**Aspects for improvement**

- \* The Business Plan has little indication of timescales or responsibilities for delivery.

**STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM.**

- 9.9 The Area has worked well with other CJS agencies in many instances – most notably in the formation and development of the co-located units. There has also been good co-operation with the police on major operations.
- 9.10 Some problems with provision of documents to the National Probation Service have been identified, and we were pleased to be told of the steps in place to try and improve the situation.
- 9.11 There is an opportunity for closer co-operation between the CPS and the courts, particularly with regard to driving efficiency improvements for cases handled in the magistrates' courts. There appears to be a willingness to improve, but progress to date has been a little slow. Better management information would help the cause.

- 9.12 The Area has held the first shadow Local Criminal Justice Board meeting, and the senior officers of the agencies are optimistic that the group can be effective in driving change in the county.
- 9.13 The approach of CPS managers in some meetings with external agencies has occasionally led to tensions. However, relationships have been established which should form a solid foundation for future development.

**Strengths**

- \* The Area has delivered a significant amount of training to CJS partners – particularly the police.
- \* Good joined-up working with police on major operations and cases.

**STANDARD: THE AREA IS RESPONSIVE TO THE VIEWS OF AN INFORMED, DIVERSE COMMUNITY.**

- 9.14 The Area has made some progress in engaging with the community. Activity includes educational establishments, the Racial Equality Council, the Community Safety Partnership and a number of special interest groups.
- 9.15 Interaction has slowed down in recent months as other priorities have arisen, and the Area’s relationships with external agencies, while occasionally tense, form a solid foundation for further development. The Area will want to reinvigorate activity as circumstances allow.

**Aspects for improvement**

- \* The Area resumes efforts to engage with the community as the staffing levels increase.

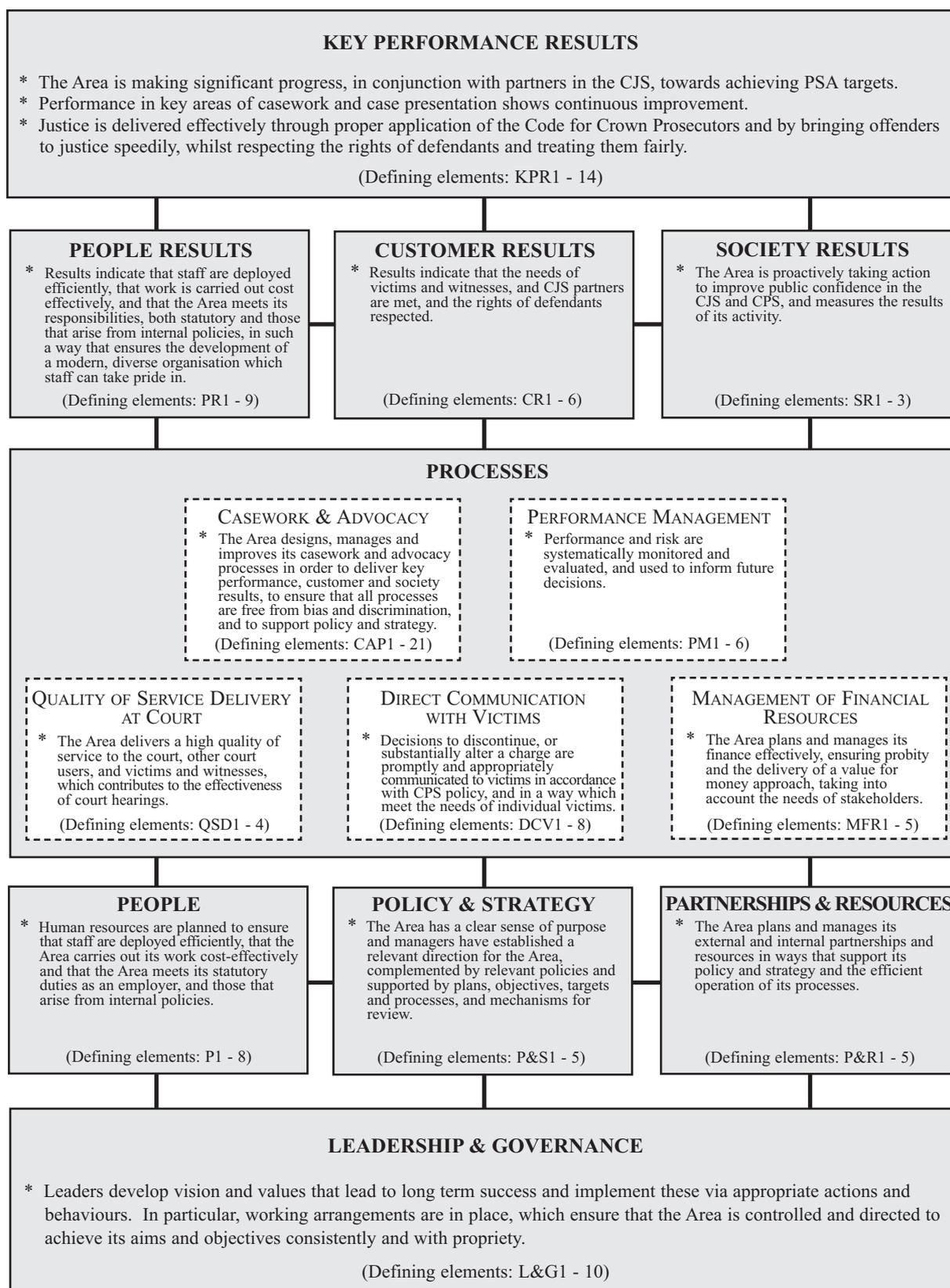
**STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO MINIMISE THE RISK OF DISSATISFACTION AND TO ENSURE APPROPRIATE LESSONS ARE LEARNT.**

- 9.16 Complaints are normally well handled, with timely, sensitive responses.
- 9.17 Inspectors recognise that there is unlikely to be a quick solution when looking to address cultural change, but in light of our findings we feel it is important that the process starts as soon as possible.

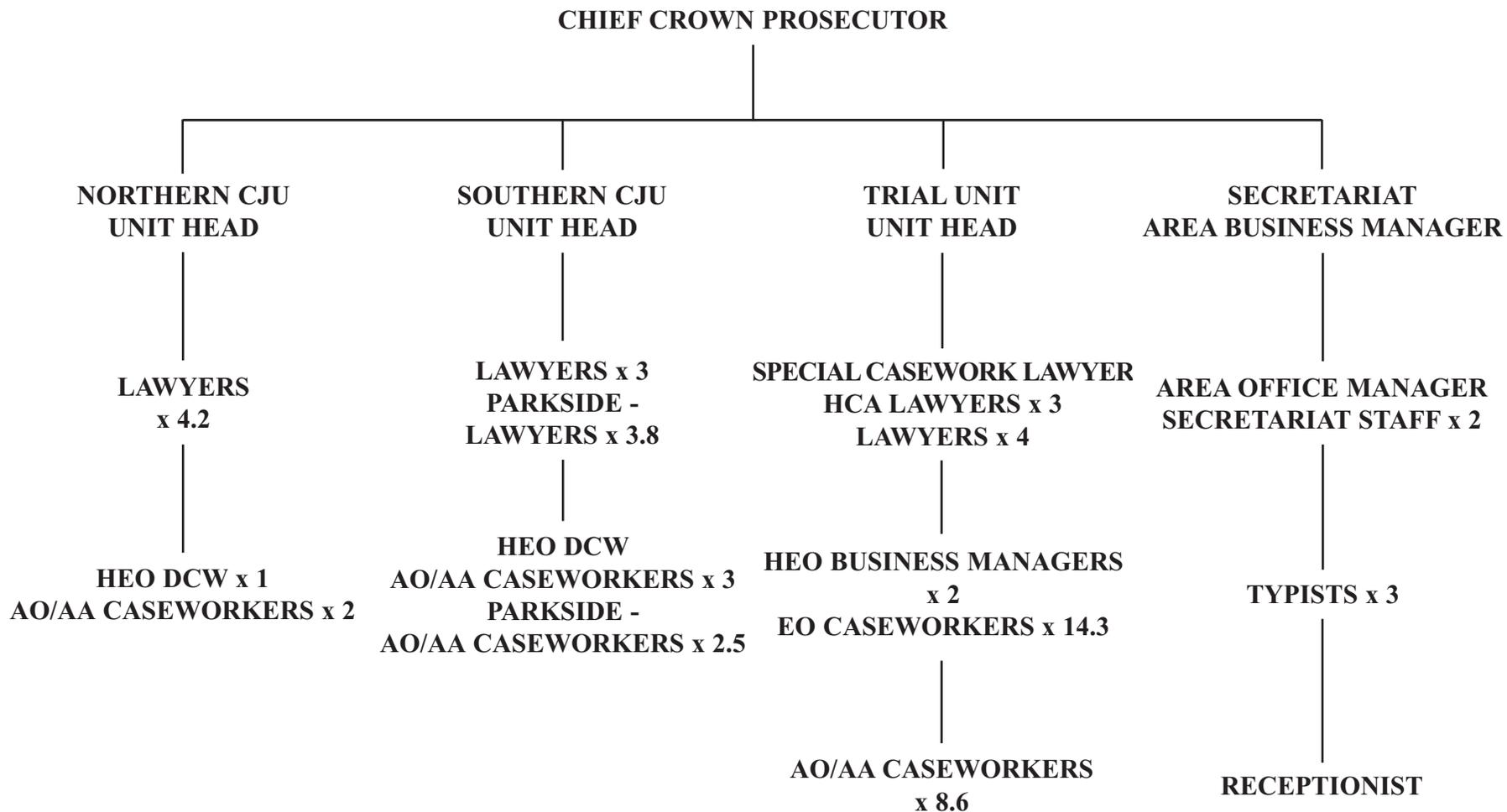
**RECOMMENDATION**

**The Senior Management Team develop and communicate a clear vision for the future in the Criminal Justice Units based on the greatest possible file ownership and case responsibility amongst lawyers and designed to ensure that there is clear accountability for decisions.**

## BUSINESS EXCELLENCE MODEL INSPECTION MAP



# CPS CAMBRIDGESHIRE STAFF STRUCTURE



## ANNEX 3

Types of case - Magistrates' Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Advice	523	4.7	52,748	3.8
Summary motoring	2,413	21.7	517,123	36.8
Summary non-motoring	2,441	21.9	263,225	18.8
Either way & indictable	5,763	51.7	561,153	40.0
Other proceedings	0	0.0	9,568	0.7
<b>Total</b>	<b>11,140</b>	<b>100</b>	<b>1,403,817</b>	<b>100</b>

Completed cases - Magistrates' Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Hearings	7,973	75.1	969,390	72.3
Discontinuances	1,011	9.5	173,020	12.9
Committals	963	9.1	91,789	6.8
Other disposals	670	6.3	107,291	8.0
<b>Total</b>	<b>10,617</b>	<b>100</b>	<b>1,341,490</b>	<b>100</b>

Case results - Magistrates' Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	6,614	82.6	801,191	82.3
Proofs in absence	788	9.8	117,115	12.0
Convictions after trial	358	4.5	38,823	4.0
Acquittals: after trial	213	2.7	15,268	1.6
Acquittals: no case to answer	33	0.4	1,696	0.2
<b>Total</b>	<b>8,006</b>	<b>100</b>	<b>974,093</b>	<b>100</b>

Types of case - Crown Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Indictable only	416	33.4	36,510	29.8
Either way: defence election	117	9.4	14,759	12.1
Either way: magistrates' direction	509	40.9	39,248	32.1
Summary: appeals; committals for sentence	202	16.2	31,906	26.1
<b>Total</b>	<b>1,244</b>	<b>100</b>	<b>122,423</b>	<b>100</b>

Completed cases - Crown Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	954	91.6	74,340	82.1
Cases not proceeded with	61	5.9	12,911	14.3
Bind overs	9	0.9	1,383	1.5
Other disposals	18	1.7	1,882	2.1
<b>Total</b>	<b>1,042</b>	<b>100</b>	<b>90,516</b>	<b>100</b>

Case results - Crown Court	CPS Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	685	69.8	55,944	73.8
Convictions after trial	165	16.8	11,951	15.8
Jury acquittals	108	11.0	6,473	8.5
Judge directed acquittals	24	2.4	1,470	1.9
<b>Total</b>	<b>982</b>	<b>100</b>	<b>75,838</b>	<b>100</b>

## TABLE OF RESOURCES AND CASELOADS

<b>AREA CASELOAD/STAFFING CPS CAMBRIDGESHIRE</b>		
	<b>Sept 2002</b>	<b>June 2000</b>
Number of lawyer SIP (excluding CCP)	22	17.9
Cases per lawyer (excluding CCP)	506	977
Magistrates' court contests per lawyer (excluding CCP)	27.45	48.9
Committals per lawyer (excluding CCP)	43.7	47.7
Crown Court trials per lawyer (excluding CCP)	13.5	15.25
Number of B1, B2 & B3 caseworkers in post (excluding ABM)	19.1	13.4
Committals per caseworker (B1, B2)	50.4	63.7
Crown Court trials per caseworker (B1, B2)	15.5	20.37
Non ring fenced running costs	£2,574,320	£1,912,600

**TOTAL NUMBER OF FILES EXAMINED FOR  
CPS CAMBRIDGESHIRE**

	<b>Number of files examined</b>
<b>File sample per CJU</b>	
Advice	10
Cases subject to custody time limits	10
Cracked and ineffective trials	17
Discontinued cases	30
Domestic violence	10
Magistrates' court trials	20
No case to answer	7
Race crime	10
Youth trials	7
<b>File sample per TU</b>	
Crown Court trials	10
Cases subject to custody time limits	5
Cracked and ineffective trials	6
Judge ordered acquittals	4
Race crime	4
<b>TOTAL</b>	<b>150</b>

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

**Judge**

His Honour Judge Coleman

**Magistrates' court**

Mr M Ballard, Chairman of Magistrates' Courts' Committee

Mrs K Bradney, Chairman East Cambridgeshire Bench

Lady Cass, Chair of Cambridge Bench

Mr P Collins, Chairman Peterborough Bench

Mrs S Morris, Chair Fenland Bench

Mrs S Norton, Chair Huntingdon Bench

Mr P Peaston, Justices' Chief Executive

Mr T Daber, Clerk to the Justices

**Police**

Mr T Lloyd QPM, Chief Constable

Acting Assistant Chief Constable D Roberts

Chief Superintendent T Southern

Chief Inspector M Gipp

Chief Inspector R Harris

Mr M Wayland

**Defence Solicitors**

Mr P Masters

**Counsel**

Mr T Spencer QC

Mr P Barr

Mr M Beddoe

Mr M Fowler

Mr J Lloyd-Jones

**National Probation Service**

Mr J Hughes, Chief Probation Officer

**Victim Support / Witness Service**

Mrs P Playle-Mitchell, Area Manager

Ms J Hughes

Ms J Pobjee

Ms S McLean

## HMCPST VISION, MISSION AND VALUES

### Vision

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

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

### Mission

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

### Values

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

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

Taken together, these mean:

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

## GLOSSARY

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

<b>COMMITTAL</b>	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
<b>COURT SESSION</b>	There are two sessions each day in the magistrates' court, morning and afternoon
<b>CRACKED TRIAL</b>	A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or the prosecution offer no evidence
<b>CRIMINAL JUSTICE UNIT (CJU)</b>	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
<b>CUSTODY TIME LIMITS (CTLs)</b>	The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances
<b>DESIGNATED CASEWORKER (DCW)</b>	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
<b>DIRECT COMMUNICATION WITH VICTIMS (DCV)</b>	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
<b>DISCLOSURE</b> , Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
<b>DISCONTINUANCE</b>	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
<b>EARLY ADMINISTRATIVE HEARING (EAH)</b>	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated
<b>EARLY FIRST HEARING (EFH)</b>	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
<b>EITHER WAY OFFENCES</b>	Those triable in either the magistrates' court or the Crown Court, e.g. theft
<b>EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)</b>	A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections

<b>EVIDENTIAL TEST</b>	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
<b>GLIDEWELL</b>	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
<b>GOOD PRACTICE</b>	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
<b>HIGHER COURT ADVOCATE (HCA)</b>	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
<b>JOINT PERFORMANCE MONITORING (JPM)</b>	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
<b>INDICTABLE ONLY OFFENCES</b>	Offences triable only in the Crown Court, e.g. murder, rape, robbery
<b>INEFFECTIVE TRIAL</b>	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
<b>JUDGE DIRECTED ACQUITTAL (JDA)</b>	Where the judge directs a jury to find a defendant not guilty after the trial has started
<b>JUDGE ORDERED ACQUITTAL (JOA)</b>	Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled
<b>LEVEL A, B, C, D, E STAFF</b>	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
<b>LOCAL CRIMINAL JUSTICE BOARD</b>	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
<b>MG6C, MG6D ETC</b>	Forms completed by police relating to unused material
<b>NAREY courts, reviews etc</b>	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
<b>NO CASE TO ANSWER (NCTA)</b>	Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer
<b>PERSISTENT YOUNG OFFENDER</b>	A youth previously sentenced on at least three occasions
<b>PRE-TRIAL REVIEW</b>	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues

<b>PUBLIC INTEREST TEST</b>	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
<b>PUBLIC SERVICE AGREEMENT (PSA) TARGETS</b>	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
<b>RECOMMENDATION</b>	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority
<b>REVIEW</b> , initial, continuing, summary trial etc	The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in the Code. One of the most important functions of the CPS
<b>SECTION 9 CRIMINAL JUSTICE ACT 1967</b>	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
<b>SECTION 51 CRIME AND DISORDER ACT 1998</b>	A procedure for fast-tracking <i>indictable only</i> cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates
<b>SENSITIVE MATERIAL</b>	Any relevant material in a police investigative file not forming part of the case against the defendant, the <i>disclosure</i> of which may not be in the public interest
<b>SPECIFIED PROCEEDINGS</b>	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
<b>STRENGTHS</b>	Work done consistently to a proper, professional standard
<b>SUMMARY OFFENCES</b>	Those triable only in the magistrates' courts, e.g. most motoring offences
<b>TQ1</b>	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
<b>TRIAL UNIT (TU)</b>	Operational unit of the CPS which prepares cases for the Crown Court