



## Her Majesty's Crown Prosecution Service Inspectorate Follow-Up Report of the Thematic Review of the Quality of Prosecution Advocacy and Case Presentation

### Quality of CPS in-house lawyers needs improvement, say inspectors

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) has today published its Follow-Up Report of the Thematic Review of the Quality of Prosecution Advocacy and Case Presentation. It examines the progress made by the CPS in the quality of the advocacy undertaken in-house.

Although the CPS has saved about £26 million in the last five years by training and using its own staff in an increasing number of court cases, the inspectors found slow progress in addressing the recommendations in HMCPISI's 2009 report, which included deployment and working practices, and case presentation.

Whilst the CPS senior management has been committed to focusing on quality of in-house prosecutors rather than volume, this has not been reflected at local level, where Area managers have largely continued to concentrate, in the allocation of work to in-house crown advocates, on fee savings in Crown Court cases.

HM Chief Inspector, Michael Fuller QPM, said:

*"Efficiency and quality can be delivered at the same time but the CPS needs to ensure its in-house prosecutors aren't just used to save money, as the pursuit of good quality advocacy is paramount."*

Summary of main inspection findings:

- There is clear commitment at the highest level to increase the quality of advocacy but the aim of senior managers is not reflected in the approach at local level where Area managers have continued to focus on fee savings in Crown Court cases.
- The national priorities and objectives are unclear and the current approach is not cohesive across the Areas.
- Financial benefits have been achieved by the continued growth of in-house advocacy in the Crown Court and there are clear potential financial benefits resulting from the deployment of in-house advocates in the magistrates' courts.
- The level of usage of associate prosecutors continues to improve and associate prosecutors continue to achieve more positive results.
- The CPS has invested a significant amount of money in introducing a comprehensive scheme to assess the quality of internal advocates and the standard of the assessments is good.
- The findings of the advocacy observations are broadly similar to the last review despite the investment in training.

- Only two of the 22 issues raised in the last review have been achieved fully with another having made substantial progress.

A table of the progress made against the recommendations and aspects for improvement detailed in the report published in 2009 can be found at Annex A.

**Notes to editors**

- 1 For further information please call 020 7210 1193 or email [tracy.ellis@hmcpsi.gsi.gov.uk](mailto:tracy.ellis@hmcpsi.gsi.gov.uk).
- 2 HMCPSI is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000, which came into force on 1 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.
- 3 HMCPSI undertook a thematic review of the quality of prosecution advocacy and case presentation which was published in July 2009. It assessed standards of advocacy both from CPS advocates and the self-employed Bar. The 2009 review can be found on the HMCPSI website [http://www.hmcpsi.gov.uk/inspections/inspection\\_no/439/](http://www.hmcpsi.gov.uk/inspections/inspection_no/439/)
- 4 The follow-up observed 69 trials, and made 198 advocacy assessments across England and Wales.
- 5 The inspection team consisted of legal and business management inspectors working closely together with a number of associate inspectors including a retired Crown Court judge, two CPS Group Advocacy Assessors and the CPS Training Principal. Two of the associate inspectors assisted in the thematic review in 2009.

## Annex A

Recommendation	Rating as at June 2011
1 Trial advocacy for crown advocates needs to be substantially improved, in particular in relation to cross examination – Crown Court (paragraph 4.36).	<b>Limited progress.</b>
2 The role of the junior prosecution advocate is clarified (paragraph 4.45).	<b>No progress.</b>
3 Trial advocacy for prosecutors needs to be substantially improved, in particular in relation to cross examination – magistrates’ court (paragraph 5.42).	<b>Limited progress.</b>
4 The CPS, in conjunction with the Criminal Procedure Rules working group, to consider the introduction of a closing speech by the prosecution in the magistrates’ court in appropriate cases, to drive improvement in the quality of advocacy and case presentation (paragraph 5.44).	<b>Achieved.</b>
5 There needs to be greater clarity of the roles and division of work between the crown advocate and reviewing lawyer (paragraph 6.14).	<b>Operational changes have occurred, limited progress.</b>
6 Case progression systems need to be more effective and consistent (paragraph 6.18).	<b>Under review.</b>
7 Adequate support should be provided to advocates in the Crown Court by caseworkers with the appropriate level of skill and knowledge of the cases (paragraph 6.49).	<b>Limited progress.</b>
8 The role of the crown advocate clerk needs greater definition and consistency. Training and guidance for the role needs to be provided (paragraph 7.33).	<b>No progress.</b>
9 The CPS and Bar should review the existing CPS/Bar Framework of Principles for Prosecution Advocates in the Crown Court (paragraph 7.45).	<b>No progress.</b>
10 A grading system should be applied to crown advocates to bring it into line with the Bar grading system and converge to a unified system (paragraph 8.46).	<b>No progress.</b>
11 Areas need to develop a more holistic approach to staffing and deployment strategies that take account of the changing profile of their work as well as budgets (paragraph 9.8).	<b>Limited progress.</b>
12 In taking forward the Prosecutor Structure Project the CPS ensures that: <ul style="list-style-type: none"> <li>• crown advocates are not paid additional monies unless they undertake an acceptable level of Crown Court advocacy;</li> <li>• there is an improvement in the level of suitably experienced or prepared candidates for training courses; and</li> <li>• the number and grade of crown advocates is commensurate with the needs of the business (paragraph 10.40).</li> </ul>	<b>Limited progress.</b>

Aspects for improvement	Rating as at June 2011
1 The quality of indictments needs to be improved (paragraph 6.16).	<b>No progress.</b>
2 The quality of instructions to the advocate needs improvement (paragraph 6.19).	<b>No progress.</b>
3 Ensuring prosecution advocates have sufficient time to prepare effectively by providing sufficient time and papers available in advance (paragraph 6.28).	<b>No progress.</b>
4 The CPS should work with HM Courts Service to address any inappropriate listing of magistrates' courts trials (paragraph 6.29).	<b>Ongoing.</b>
5 The introduction of a system to monitor and manage the allocation of cases and work required to be undertaken (paragraph 6.37).	<b>Limited progress.</b>
6 All advocates should have relevant practitioner text books when prosecuting in the Crown Court (Archbold and Sentencing Guidelines) (paragraph 6.50).	<b>Achieved.</b>
7 Area managers need to ensure that deployment practices take account of all relevant factors including the provision of high quality advocacy and financial considerations (paragraph 7.26).	<b>Limited progress.</b>
8 The need to assure quality comprehensively across all types of case presentation undertaken by all advocates (paragraph 8.42).	<b>Substantially achieved.</b>
9 All crown advocates should be encouraged to use the robing rooms at court (paragraph 9.38).	<b>Limited progress.</b>
10 Managers need to develop proportionate systems to assure themselves that preparation time is commensurate with the experience of the advocate; proportionate to the complexity of the case; and recorded accurately (paragraph 10.15).	<b>Limited progress.</b>