



HM Crown Prosecution
Service Inspectorate

CPS Bedfordshire

The inspectorate's report on CPS Bedfordshire

Undertaken May 2010

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Chief Inspector's foreword

I am pleased that this inspection has found that overall CPS Bedfordshire's casework is dealt with to a good standard, but the Area has significant resourcing challenges ahead.

The handling of Crown Court casework is particularly encouraging, which is reflected in the high level of successful outcomes. In some other aspects of casework there has been a marked improvement since our last assessment include the good handling of the disclosure of unused material and the application of the custody time limit regime which we found to be excellent.

The treatment of victims and witnesses across a range of measures is positive, as is the handling of complaints.

The Area's primary challenge in this and future years will be to achieve the necessary savings from the use of its own advocates in the Crown Court to make up its projected budget shortfall. This has to be aligned with making other cost savings where possible.

In this context the Area needs to review its current structure and identify options for making substantive cost savings. This, coupled with a prudent approach to managing administrative vacancies will reduce the reliance on the savings generated in the Crown Court.

Inspectors also identified a need to reduce prosecution costs expenditure in the magistrates' court. Our recommendation should result in savings in this aspect, which is a key CPS national priority.

The Area also needs to develop its engagement at Group level, and draw on the resources it can provide. Whilst there was a high level of corporacy within the Area, staff did not identify to the same extent with the Group.

The Area has made good progress in the handling of its casework and related aspects since it was last assessed and this is reflected in this report. Aspects of performance which have attracted critical comment for some time, particularly the Area's approach to community engagement are now being addressed.

I am encouraged that the overall casework performance of the Area has improved since its last performance assessment such that it is now rated as good.



Executive summary

Contextual factors and background

Much of the Area's Crown Court casework involves serious offending, and prosecutors have to deal with more of the most serious types of case than the national average. The Area has also had to deal with high profile public order cases.

Compared to other Crown Prosecution Service (CPS) Areas many aspects of performance were better than the national average, for example the successful outcome rate in the Crown Court and the application of the direct communication with victims scheme. The key aspects where improvement is required are the proportion of cases where prosecutors have to direct no further action at the pre-charge stage and the successful outcome rate in cases involving allegations of domestic violence. There are positive signs that this is happening in the early part of 2010-11.

Against a background of solid casework handling, the main concerns identified in this inspection are around aspects of the Area's relationship with the CPS Thames Chiltern Group and the need for the Area to make substantial cost savings in 2010-11. We have made priority recommendations to assist the Area in making those cost savings.

However, the general picture since our overall performance assessment (OPA) 2007 is encouraging, with performance assessed as having improved in seven aspects, and declined in two. Of particular note is the Area's handling of cases involving custody time limits, which is now assessed as excellent compared to fair in 2007.

Summary of findings

The Area faces significant challenges in 2010-11 to achieve the cost savings required to balance its budget. Savings from higher court advocacy will be a major contributor, but at the time of our inspection appeared unlikely to cover the entire shortfall. Further savings must be made, particularly having regard to the national CPS budgetary position, and costed options need to be developed.

In this context it is essential that the Area works closely with staff within the Group Operations Centre to ensure an accurate budget picture is maintained, to keep them informed and to draw on their resource to assist in identifying where further improvements can be made. Whilst there was a high degree of corporacy at Area level, staff did not identify to the same extent with the Group.

Effective use has already been made of the Group equality and diversity and community engagement resource to develop the Area's community engagement strategy. Progress is being achieved and the Area's rating has improved from red to amber/green.

Recent local and national initiatives have been implemented successfully, although it was too early at the time of our inspection for a full evaluation of some, for example the Daytime Direct telephone charging advice service and the Area's optimum business model (OBM) unit for Crown Court casework.

The Area has to provide over a third more resource to Daytime Direct than it did under the previous charging advice structure. This will need to be carefully monitored to ensure that

the Area is not supplying a disproportionate resource to the overall Group requirement. Specialist charging advice is still being delivered face-to-face and is valued by police partners.

The expected benefits of charging are consistently realised in respect of Crown Court casework, but less so in respect of the magistrates' court where performance against the three measures is below national performance. Much work has been done to reduce the proportion of cases where prosecutor have to direct no further action, but it is still higher than the national average. The introduction of Daytime Direct provides an opportunity to strengthen police evidential review officer processes.

The Area handles its serious casework well, the successful outcome rate in the Crown Court is better than found nationally, as is the effective trial rate. There is good file ownership and effective team working between prosecutors, paralegal officers and crown advocates. The position in respect of magistrates' court casework is mixed, the effective trial rate is very good when compared with national performance but the successful outcome rate is not. There are differences in performance between the two magistrates' court OBMs, the one for Bedford works well with good CPS/police integration and division of tasks, but this is less so at Luton and there is a tension between the timescales set down for trial preparation and the timescales set out in the Criminal Procedure Rules.

Other aspects of performance are good, for example the application of the disclosure of unused material provisions, the handling of serious and sensitive cases (although the Area

has had difficulty in improving the successful outcome rate in domestic violence cases) and the care and attention given to the treatment of victims and witnesses. The handling of custody time limit cases is excellent.

Managers undertake appropriate performance management and analysis of casework. There are regular meetings at all levels, including with criminal justice partners and the overall good working relationships has enabled the Area to make performance improvements, for example the introduction of the early guilty plea procedure at Luton Crown Court.

Overall the Area does a lot of things well, but must look critically at its resourcing and how it can reduce its spending. In the light of our findings we assessed the Area's overall performance as **GOOD**.

Summary of judgements

The findings of this inspection take account of the difference in the process between an OPA and a full inspection. The OPA process is one that is very much dependent on an Area self-assessment, partners are not interviewed and there is a very limited file sample. Inspectors spend one day interviewing senior managers and assess the findings on the basis of a 'light-touch' inspection. In contrast a full inspection is carried out over an extensive period of time, a wide range of external partners are interviewed and inspectors examine a large number of files to assess the quality and standards of Area work. This context needs to be understood before any comparison is made between the results in 2007 and this full Area effectiveness inspection (AEI).

Summary of judgements			
Critical aspects	OPA June 2007	AEI May 2010	Direction of travel
Pre-charge advice and decisions	Good	Fair	Declined
Decision-making, preparation and progression in magistrates' courts cases	Fair	Fair	Stable
Decision-making, preparation and progression in Crown Court cases	Fair	Good	Improved
The service to victims and witnesses	Fair	Good	Improved
Leadership and management ¹	Fair	Good	Improved
Overall critical assessment level	Fair	Good	Improved
The prosecution of cases at court	Good	Good	Stable
Serious violent and sexual offences and hate crime	Fair	Good	Improved
Disclosure of unused material	Fair	Good	Improved
Custody time limits	Fair	Excellent	Improved
Managing performance to improve	Good	Good	Stable
Managing resources	Good	Fair	Declined
Partnership working and community confidence ²	Fair	Good	Improved
OVERALL ASSESSMENT	FAIR	GOOD	IMPROVED

¹ Leadership and management captures elements included formerly in 'Delivering Change' which has now been removed from the framework as a stand alone aspect.

² Some aspects of this section were previously included in 'Managing Performance to Improve' and a full like for like performance comparison cannot be made.



Recommendations

There are four priority recommendations which need (unless stated otherwise) to be implemented within three months. These are:

1 The Group senior responsible officer, in conjunction with the Area management team, should within six months of the implementation of Daytime Direct review the Area's current resource provision to determine whether it is at the correct level when compared with resource provision across the Group (paragraph 1.8).

2 The chief crown prosecutor and area business manager should meet regularly with the Group finance manager to review the Area's budget, to enable any remedial actions to be taken promptly (paragraph 10.4).

3 The Area should:

- review its overall structure and produce costed proposals to make substantive savings to achieve a balanced budget;
- work with the Group to produce an agreed budget reduction plan; and
- only backfill essential vacant administrative posts (paragraph 10.19).

4 The Area should reduce its spend on special fee trials by using in-house prosecutors save in exceptional circumstances (paragraph 10.29).

There are nine other recommendations that relate to improving and tightening processes and systems. Whilst they are not immediate priorities they need to be implemented to improve the service offered by the Area. We would expect these secondary recommendations to be implemented within the next 12 months.

1 The Group district crown prosecutor responsible for Daytime Direct charging should:

- bring to the attention of police supervisors those cases where the prosecutor is rubber stamping decisions the police should have taken; and
- discuss with individual prosecutors any case where they appear to have been unnecessarily risk averse (paragraph 1.20).

2 The CJU unit heads should:

- analyse the reasons for cracked and ineffective trials; and
- report issues of concern to the CCP (paragraph 2.18).

3 The trial unit head should:

- review each case where the plea and case management feedback form indicated that the indictment had to be amended;
- identify and disseminate to prosecutors and paralegal officers any learning points; and
- demonstrate that performance is improving against our findings (paragraph 3.7).

4 The Area unit heads should undertake an audit of the level of compliance with the sensitive material procedures and provide written assurance to the CCP either that there is now full compliance or that further steps have been taken to secure full compliance (paragraph 6.13).

5 In cases where victims and witnesses are entitled to the protection of special measures when giving evidence, prosecutors should ensure they make an informed decision as to what measures the victim or witness requires (paragraph 8.8).

6 The Luton CJU head should:

- liaise with the Witness Service and request the detail of all future cases where there has not been timely provision of the necessary information to the Witness Service;
- identify the reasons for any late provision and take any necessary remedial action; and
- demonstrate performance improvement (paragraph 8.10).

7 The Area should ensure that all direct communication with victims letters to the victims of domestic violence include details of the national domestic violence helpline (paragraph 8.11).

8 The Area should:

- clarify with the Group Operations Centre why the Area requires additional performance data and agree jointly with the GOC what proportion of this additional data is essential for its business needs; and

- develop regular meetings with the Group performance officer (paragraph 9.5).
-

9 The Area should undertake a comparative review of the control checks used in the trial unit, and the Bedford and Luton CJUs to ensure that good practice is adopted across all units (paragraph 9.14).

Compliance issues

We additionally identified four quick wins which relate to compliance issues.

1 With immediate effect:

- duty prosecutors should include in the MG3 for youth offenders their view on mode of trial representations in grave crime cases having regard to the age of the defendant, the relevant sentencing council guidelines and pertinent case law; and
- unit heads should monitor compliance as part of the core quality standard monitoring regime (paragraph 1.17).

2 CJU heads should ensure that a pre-charge failed case report, to the required standard, is compiled in every case where the proceedings are discontinued (paragraph 2.9).

3 With immediate effect the trial unit head should instruct trial counsel to provide a report in all rape cases which result in an acquittal (paragraph 5.12).

4 The OBM checklist should be used correctly at Luton CJU (paragraph 9.13).

Strengths

We identified five strengths within the Area's performance.

1 The quality of the Area's pre-charge failed case reports (paragraph 3.14).

2 The very quick notification to the witness care unit of Crown Court results, including where defendants are released on bail (paragraph 4.13).

3 The Area system for ensuring there are timely applications to extend CTLs (paragraph 7.3).

4 Keeping staff informed about matters that affect them (paragraph 11.8).

5 The management of sick absences (paragraph 10.34).



Inspection context

The Inspection

CPS Bedfordshire was last subject to a full inspection in February 2007. Since that time it has undergone an OPA in June 2007 when it was rated as fair. The Area has benefited from a stable senior management team and operational structure for a number of years.

Our methodology combined examination of 82 cases finalised between November 2009 and February 2010 and interviews and questionnaires completed by criminal law practitioners and local representatives of criminal justice agencies, members of the judiciary and interviews with CPS staff at all levels including some at Group level. While on-site we also examined, to determine the quality of decision-making, 15 very recent pre-charge cases, where the decision had been to direct either no further action or an out of court disposal. A detailed breakdown of our finalised file sample is shown at annex H.

A list of individuals we met or from whom we received comments is at annex I. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.

Inspectors visited the Area between 24 May and 28 May 2010. The lay inspector for this inspection was Davina James-Hanman.

The purpose and aims of the inspectorate are set out in annex A.

The Area

CPS Bedfordshire (the Area) is part of the CPS Thames Chiltern Group (the Group), which comprises in addition, Thames Valley and Hertfordshire.

Bedfordshire is a predominantly rural county, within which is a large urban conurbation in Luton, and smaller ones in Bedford and Dunstable, all of which have diverse minority ethnic communities of varying sizes. There are three CPS offices, two of which are based at Luton and Bedford Police Stations and are responsible for handling magistrates' court casework. The third office is also in Luton and houses the Area secretariat and the trial unit, which is responsible for dealing with all the Area's Crown Court casework. Additionally there is a charging team based at Luton and Bedford, which is managed at Group level, which is responsible for providing daytime telephone charging advice, predominantly to the Bedfordshire Police, but also to the other police forces within the Group.

Area staffing and caseload

At the time of the inspection in May 2010 Bedfordshire employed the equivalent of 66.7

full-time staff, details of whom are set out below (a detailed breakdown of staffing and structure can be found at annex E).

Area staffing Grade	Number
Chief crown prosecutor	1
Level D (district crown prosecutor)	3
Crown advocates (including senior crown advocates)	7.9
Senior crown prosecutors (including secondees to Daytime Direct)	12.4
Crown prosecutors	2
Associate prosecutors	4.8
Level D staff	1
Level B2 caseworkers	2
Level B1 staff	10.1
Level A staff	22.5
Total	66.7

Caseload in 2009-10 was as follows:

Caseload in 2009-10	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge decisions	5,629	36.1%	32.3%
Advice	0	0%	0.01%
Summary	5,831	37.4%	38.7%
Either way and indictable only	4,106	26.4%	28.8%
Other proceedings	12	0.08%	0.2%
Total	15,578	100%	100%

These figures include the cases set out in the next table, as all Crown Court cases commence in the magistrates' courts. In 2,400 of the 5,629 Area pre-charge decisions, the decision was that there should be no prosecution. Overall, decisions not to prosecute accounted for 15.4%

of the Area's caseload. Where pre-charge advice results in the institution of proceedings, the case will also be counted under the relevant category of summary or either way/indictable only in the caseload numbers.

Crown Court caseload in 2009-10			
	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	430	30.7%	28.4%
Either way offences	600	42.9%	48.1%
Appeals against conviction or sentence	202	14.4%	10.0%
Committals for sentence	168	12.0%	13.5%
Total	1,400	100%	100%

A more detailed table of caseloads and case outcomes compared to the national average is attached at annex F and a table of caseload in relation to Area resources at annex G. Since our

last OPA in 2007 the Area has had an increase in its budget from £2,951,198 to £3,346,600. Staff numbers over the same period have increased from 61.9 to 66.7 full-time equivalent posts.



Section one: the inspection report

1 Pre-charge advice and decisions

OPA 2007	Good
AEI 2010	Fair
Direction of travel	Declined

1.1 At any point before charge, the police may seek advice from a prosecutor to assist with an investigation. Since 2004, the CPS has been responsible for determining the charges in more serious cases. Pre-charge decision (PCD) making needs to be timely, effective and in accordance with the Code for Crown Prosecutors (the Code). Investigator and prosecutor should work together to build strong, cost-effective cases which result in a successful outcome; or, prosecutors should advise no further action (NFA) in cases where there is no realistic prospect of conviction or a prosecution is not required in the public interest.

1.2 Performance is measured in terms of the quality and timeliness of the PCD, as well as the guilty plea, discontinuance and attrition rates in both the magistrates' courts and the Crown Court.

Benefits realisation

1.3 There is a noticeable difference in pre-charge benefits realisation between Crown Court and magistrates' court performance. In the Crown Court, Area performance is consistently better than found nationally. However in the magistrates' court performance has declined from 2008-09 to 2009-10 and was below that found nationally in respect of each of the three benefits, but the overall successful outcome rate was improving in early 2010-11.

1.4 The Area has undertaken detailed analysis of why performance declined in 2009-10 and attributes it primarily to a combination of an increase both in contested cases and their throughput. The high volume of cases listed for trial led to higher rates of discontinuance in specific categories of case, primarily those involving allegations of domestic violence. This also coincided with a decline in pre-charge cases which the Area attributes to short term police abstraction for other operational requirements. Early indications in 2010-11 are, now that the trial backlog has been cleared, that performance is improving.

Benefits realisation	2008-09		2009-10	
	Area	National	Area	National
Magistrates' courts cases				
Discontinuance	13.1%	13.1%	15.1%	14.5%
Guilty plea	70.6%	74.4%	65.3%	72.3%
Attrition	20.1%	19.2%	23.1%	21.0%
Crown Court cases				
Discontinuance	7.6%	11.7%	8.3%	11.7%
Guilty plea	73.3%	72.9%	72.6%	73.1%
Attrition	17.0%	19.4%	17.1%	19.5%

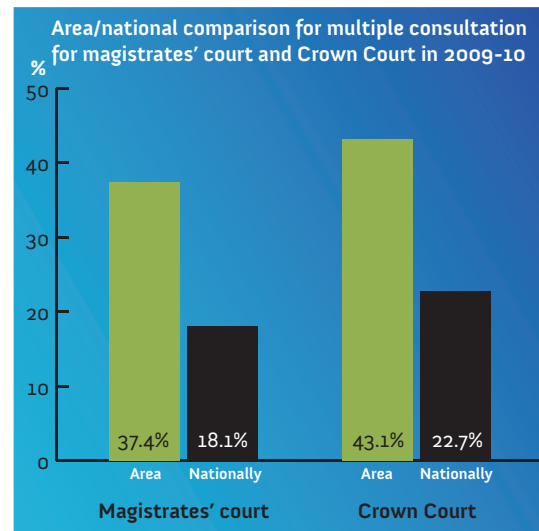
Operation of the charging scheme

1.5 The Area had, prior to the introduction of Daytime Direct,³ (which went live on 26 April 2010) provided a high level of face-to-face consultations, and the process was considered very effective both by the CPS and its police partners, who expressed some concerns at the national requirement to move to Daytime Direct. The scheme is operated and managed at Group level (with duty prosecutors available to give charging advice to any police officer whose force is covered by the CPS Thames Chiltern Group). Bedfordshire prosecutors allocated to the scheme are no longer available as an Area resource.

1.6 Face-to-face charging advice had been provided on a full-time basis at Luton and Bedford, and on a part-time basis at Dunstable. When Daytime Direct was introduced the Area moved to one charging centre at Luton and one at Bedford. The Area resource commitment is now over a third higher than it was when face-to-face charging was in operation.

1.7 The basis on which the necessary resource for Daytime Direct was determined took account of the number of face-to-face consultations, which had historically been high in Bedfordshire. However, the Area had, until the introduction of the Director’s Guidance on the Streamlined Process (DGSP), adopted a practice of not authorising charge until the police had provided a copy of the defendant’s interview and the unused material schedules, which assisted in progressing the case in court. In consequence there could be multiple consultations in a single case (which we noted in our file sample). The police demand for charging advice on a case by case basis therefore appeared high.

³ The daytime telephone charging advice service.



The method used by HMCPSI to calculate the number of consultations per case does not include cases where no further action was directed. If they were included then 35.6% of Bedfordshire Magistrates' Court cases would have had more than one consultation.

1.8 At the time of our inspection it was too early to determine whether the resourcing allocation should continue at its current level. This should be done as soon as sufficient performance information is available. If the Area is pro-rata providing more charging resources than other parts of the Group then there will be clear savings in returning some of the current Area charging resource to other operational duties.

Priority recommendation

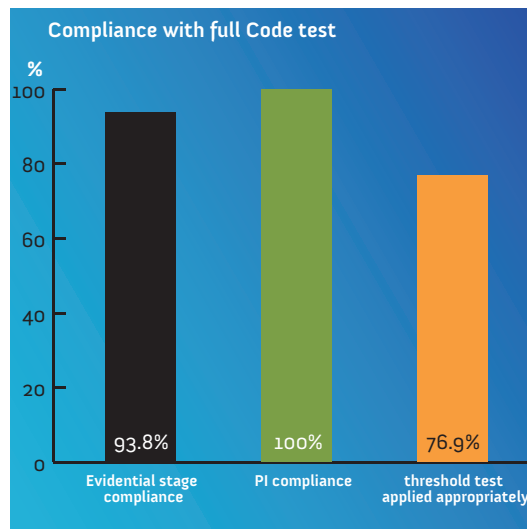
The Group senior responsible officer, in conjunction with the Area management team, should within six months of the implementation of Daytime Direct review the Area's current resource provision to determine whether it is at the correct level when compared with resource provision across the Group.

1.9 The Area undertook a staff consultation exercise as part of its consideration about whether it should have one or two Daytime Direct centres. The majority of prosecutors favoured the split site approach and the Area did a substantial amount of work to evaluate the pros and cons of the two options. This working arrangement should be kept under review, and although only in its infancy, no concerns were expressed by staff or the CPS police partners.

1.10 When the Area operated face-to-face charging consultations they were divided into 45 minute slots. Early data (although only at Group level) shows that aspects of performance around the speed of call answering are better than national performance, but the average length of consultation is over one hour and 15 minutes (and nearly 15 minutes longer than the national average). However, this data was influenced by a very long charging advice given in another part of the Group. Since our inspection the Group average call length has reduced and we are informed that it now accords with the national average.

Quality of advice and decisions

1.11 We examined 77 cases which had been the subject of a PCD and where the decision was to authorise charge. Every case pre-dated the introduction of Daytime Direct.



1.12 In some cases the prosecutor already had sufficient evidence and information to apply the full Code test at the first consultation, but required the officer to provide a copy of the defendant’s record of interview and the unused material schedules before authorising charge. One of the consequences of this approach was a lack of continuity of prosecutor. There were two cases in our file sample where the police went ahead and charged the defendant after the first consultation without returning to the CPS with the additional information requested.

1.13 The approach described above was adopted by the Area to ensure that there were no unnecessary delays once cases entered the court system. This reflects a tension between different parts of the criminal justice process, reducing the number of unnecessary

adjournments and the ineffective trial rate, but increasing the time the suspect spent on bail before charge, potentially requiring them to be re-bailed on one or more occasions, which added to the burden of police bail management.

1.14 This approach stopped with the introduction of DGSP. In light of the Area’s concerns about some aspects of police file preparation managers will wish to monitor closely whether there is any resulting impact on the timeliness of post charge processes.

1.15 There were 65 cases in which there was either a pre or post charge action plan, of which 55 (84.6%) met the required standard, in that they set out clearly what was required with appropriate target dates for the completion of the necessary work.

The quality of MG3s

Standard of forms recording charging decisions (MG3s)					
	Excellent	Good	Fair	Poor	Total
Overall	1 (1.3%)	35 (46.1%)	29 (38.2%)	11 (14.5%)	76

1.16 Good MG3s set out clearly the issues in the case, the evidential weaknesses, how to address those weaknesses and what applications might need to be made in the course of the proceedings. They also set out clearly the necessary instructions to the prosecutor at court.

1.17 In cases where a youth was involved there was not always a specific instruction on how venue should be dealt with, for example when the youth was jointly charged with an adult or with an offence so serious that it could potentially be dealt with at the Crown Court (known as a grave crime). The law relating to the grave crime provisions is particularly complex and whilst the Area’s youth prosecutors are experienced the instructions should set out what representations are to be made. This is particularly relevant when the advice is in respect of a case from another Area in the Group.

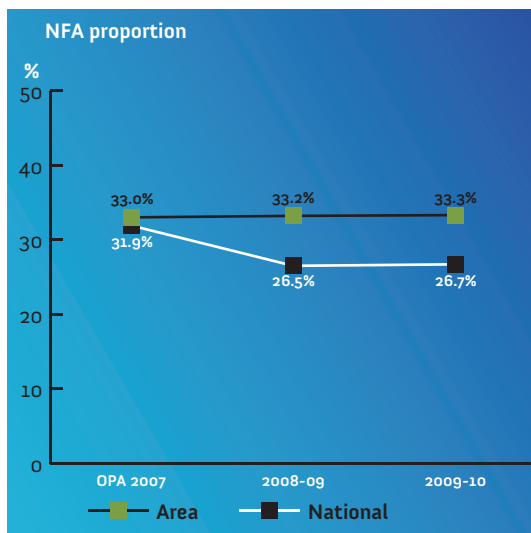
Compliance issue

With immediate effect:

- duty prosecutors should include in the MG3 for youth offenders their view on mode of trial representations in grave crime cases having regard to the age of the defendant, the relevant sentencing council guidelines and pertinent case law; and
- unit heads should monitor compliance as part of the core quality standard monitoring regime.

No further action cases

1.18 The Area has for a number of years had a much higher proportion of cases than found nationally where the prosecutor’s decision at the charging stage is to direct no further action.



1.19 There are two main potential causes for this high figure, poor quality police file submission and supervision (including submitting cases for the duty prosecutor to “rubber stamp” a decision to direct NFA) and/or risk adverse prosecutors. The police accept that the quality of cases submitted for a charging decision needs to be improved and are taking steps to strengthen the evidential review function, but also felt that some prosecutors erred on the side of caution. Both the police and the CPS have done detailed work to try and identify the key causes. Work by the CPS did not indicate that prosecutors were risk averse and this is supported by the findings of our on-site file examination.

1.20 While on-site we examined 15 cases, submitted by police forces across the Group, dealt with by Bedfordshire Daytime Direct prosecutors in the previous week that did not result in a charge, including those where an alternative disposal could have been advised. In one of the 15 cases we considered that a more robust prosecutor, despite some clear evidential difficulties, would have authorised a charge, but in a number of the other cases it was apparent that the prosecutor was being used to rubber stamp an NFA decision that should have been made by the custody sergeant. This not only wastes the prosecutor’s time but that of other police officers who may have to wait unnecessarily to get through for a charging decision.

Recommendation

The Group district crown prosecutor responsible for Daytime Direct charging should:

- bring to the attention of police supervisors those cases where the prosecutor is rubber stamping decisions the police should have taken; and
- discuss with individual prosecutors any case where they appear to have been unnecessarily risk averse.

The charging of serious casework

1.21 The more serious and specialised cases requiring written or face-to-face decisions are dealt with by suitably experienced lawyers by appointment at the CPS office or if involving allegations of rape or child abuse at weekly surgeries. The quality of the pre-charge decisions in these cases was generally good, with well reasoned and detailed MG3s.

Performance management and partnership working

1.22 The Area analysis of the quality of pre-charge decisions is good, particularly in failed cases. Issues are identified and dealt with either by feedback to the individual lawyer or with the police at regular prosecution team performance management meetings.

2 Decision-making, preparation and progression in magistrates' courts cases

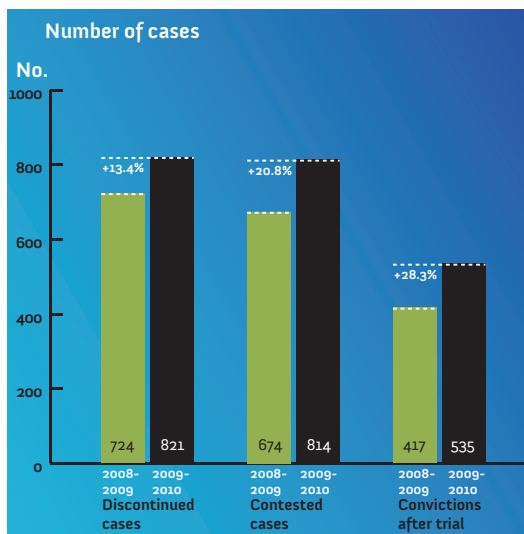
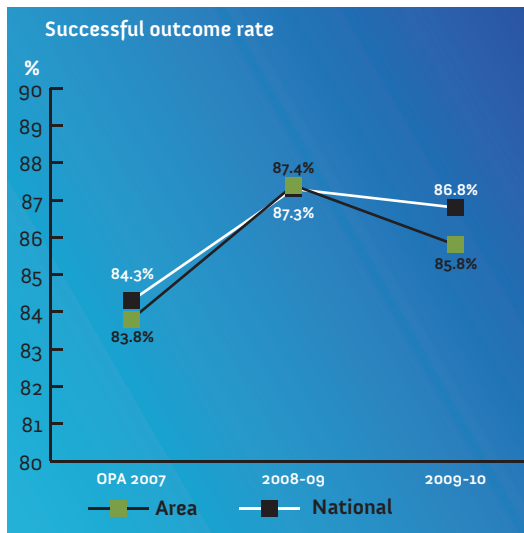
OPA 2007	Fair
AEI 2010	Fair
Direction of travel	Stable

2.1 Volume and straightforward cases are heard in the magistrates' courts. The majority of defendants plead guilty and are dealt with under the streamlined process, using a basic file prepared by the police, containing the key information and a case summary. Cases for trial require further preparation. Once notified, the police prepare and submit an upgraded file containing the full evidence and information required for summary trial. The CPS then reviews the evidence and documents provided, before formally serving the defence and court with material necessary for a fair trial to take place. A bespoke electronic case management system (CMS) is used to record and process the casework.

2.2 Performance is measured in terms of the quality and timeliness of case review and preparation, the proportion of cases listed for trial which proceed on time, and eventual outcome of proceedings.

Outcomes in the magistrates' courts

2.3 The Area finalised 8,801 cases in the magistrates' court in 2009-10, excluding cases committed or sent for trial, compared with 8,752 in 2008-09.

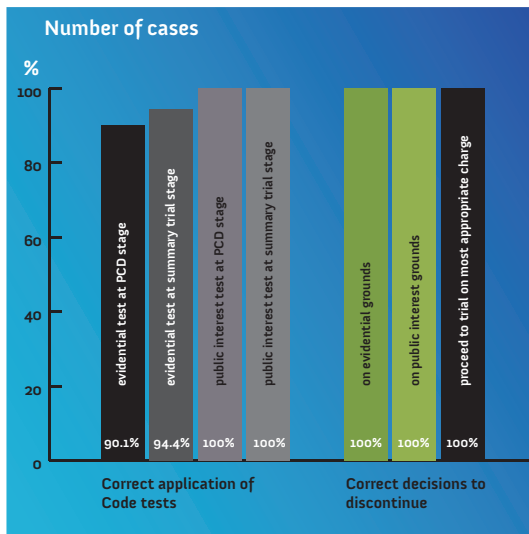


2.4 The proportion of contested cases which resulted in a successful outcome rose from 61.9% to 65.7%. Further detail of the Area's performance is set out at annex C.

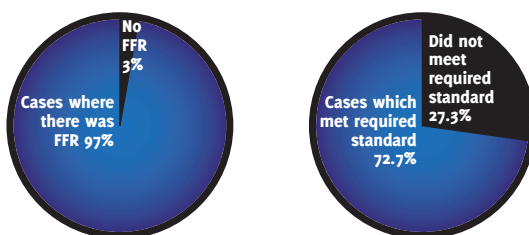
Quality of case decisions and continuing review

2.5 We examined 41 finalised magistrates’ courts case files from the Area and our findings are set out in the table at annex C. The application of the Code is satisfactory throughout, and good in respect of decisions to discontinue.

2.6 In one case an incorrect decision to direct NFA was subsequently changed when the victim asked that it be reconsidered.



2.7 The quality of the full file review (FFR) in magistrates’ court cases needs to be improved. Some lacked a sufficient analysis of the issues in the case and the strength of the evidence.



Adverse cases

2.8 In all except two cases there was a material change in the evidential strength or public interest elements of the case. In the two cases the outcome was reasonably foreseeable at the charging stage, and therefore should not have been charged. In every case where it was possible, appropriate action had been taken to save the proceedings. The decision to discontinue was timely in 14 of the 15 discontinued cases examined (93.3%).

2.9 There is good compliance with Area procedures requiring unit head authority to authorise discontinuance in pre-charge cases. Failed pre-charge case reports almost always meet the required standard, but were absent in some cases. Reports contained a detailed analysis of the reason for discontinuance and identified any lessons to learn. For these reasons it is important that a report to the required standard is compiled in every case.

Compliance issue

CJU heads should ensure that a pre-charge failed case report, to the required standard, is compiled in every case where the proceedings are discontinued.

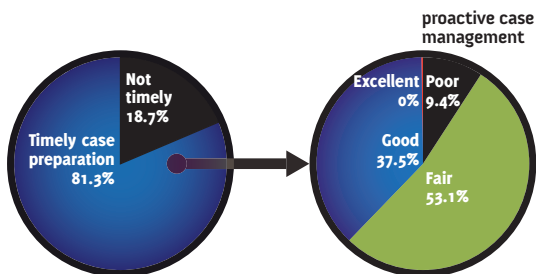
2.10 The Area had 22 cases in 2009-10 which were dismissed on a submission of no case to answer (NCTA) at the end of the prosecution case, which represented 0.3% of its finalised magistrates’ court cases compared with 0.2% nationally.

2.11 We examined two NCTA cases. In one the outcome was reasonably foreseeable at the start of the trial, and could have been avoided by better case preparation.

Case preparation and progression

2.12 The Area operates the optimum business model (OBM) at both criminal justice unit (CJU) offices for the preparation of contested magistrates’ court cases. The process works particularly well at Bedford CJU where there is good management oversight and an effective relationship with police staff. The Bedford and Luton CJUs are both co-located with the police, and at Bedford the police undertake a number of functions that have to be dealt with by CPS staff at the Luton CJU site. Similarly, CPS staff at Bedford undertake a number of functions which are carried out by in Luton by the police. There was a consensus that the CPS/police systems were more effective and efficient in Bedford.

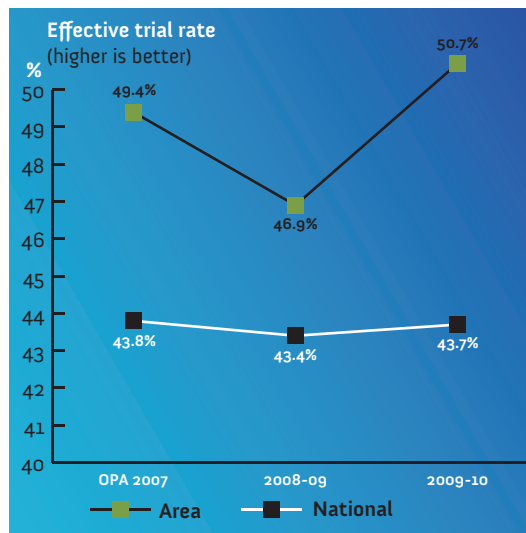
2.13 There was a tension between the timescales set down under the Criminal Justice: Simple, Speedy, Summary (CJSSS) protocol for preparing contested cases and those for carrying out key actions under the recently amended Criminal Procedure Rules. The Area will wish to address these with its criminal justice partners to ensure that there is compliance with the Rules.

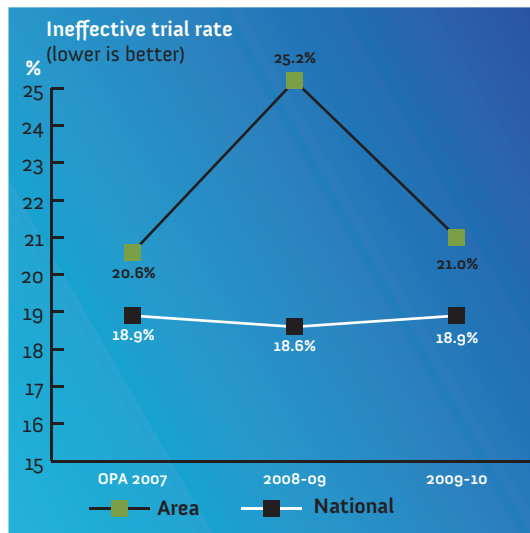


2.14 Both CJUs have case progression managers (CPMs) who liaise with their police and HM Courts Service counterparts. As with case preparation we found that this was more effective in Bedford than in Luton. A certificate of trial readiness is supplied to the court which will also set out any actions that still need to be undertaken. Defence compliance with this process has been an issue and this has been addressed through the local criminal justice board.

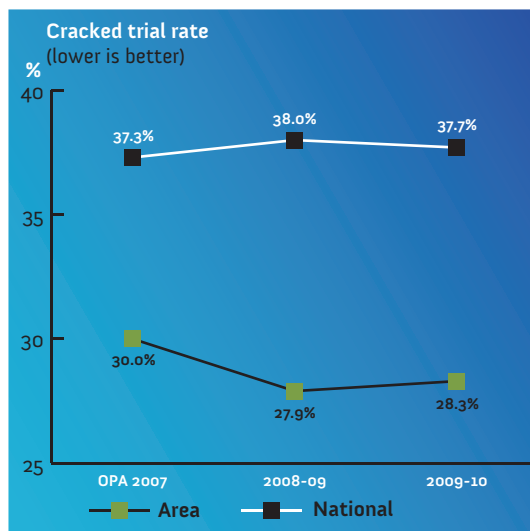
Effective, ineffective and cracked trials

2.15 The Area effective trial rate is good and compares favourably with national performance. A significant proportion of ineffective trials attributable to the prosecution arise from non-CPS cases and only a few ineffective trials in our file sample were attributable to the prosecution.





2.17 If the Area CPMs are aware that both cases listed for trial are potentially effective they will contact the court CPM with a view to one of the trials being vacated. Whilst this delays the hearing it prevents witnesses attending unnecessarily or the prosecutor having to prepare two trials in the sure knowledge that one will not go ahead. This procedure appears to work more effectively at Bedford Magistrates' Court, but as a consequence the vacated trial rate is increasing.



2.18 The chief crown prosecutor (CCP) analyses monthly the reasons for ineffective trials and draws any cases of concern to the attention of the unit heads. These are then discussed at unit management meetings. This should be the other way round, the unit heads should analyse unit performance issues and report to the CCP. This would free up the CCP's time, and add value, by allowing him to focus on strategic issues.

Recommendation

The CJU unit heads should:

- analyse the reasons for cracked and ineffective trials; and
- report issues of concern to the CCP.

2.16 One of the factors contributing to the ineffective trial rate is the number of cases which have to be adjourned because of a lack of court time. This arises through the court practice of double listing trials, one of which then has to be adjourned if both are ready to proceed. Fewer cracked trials are attributable to the prosecution than found nationally, which indicates that once the trial date arrives the prosecution are in a position to proceed.

Use of the case management system – Compass CMS

2.19 CMS is operated effectively, and performance in respect of updating hearings and case outcomes is excellent. Our spot checks indicated that there were no outstanding hearings waiting updating. Every magistrate's court case was finalised correctly, although one Crown Court case was finalised incorrectly as having been discontinued in the magistrates' court.

3 Decision-making, preparation and progression in Crown Court cases

OPA 2007	Fair
AEI 2010	Good
Direction of travel	Improved

3.1 Serious and complex cases are dealt with in the Crown Court. Casework and advocacy are more demanding, and the relative cost per case higher than for prosecutions conducted in the magistrates’ court. Cases are prepared by teams comprising a mix of lawyers, paralegal officers and administrators. Once notified, the police prepare an upgraded file containing all the necessary evidence and information required for proceedings in the Crown Court. The CPS reviews the evidence and material provided and compiles a prosecution bundle which is then served on all parties in the case. A bespoke electronic case management system (CMS) is used to record and process casework.

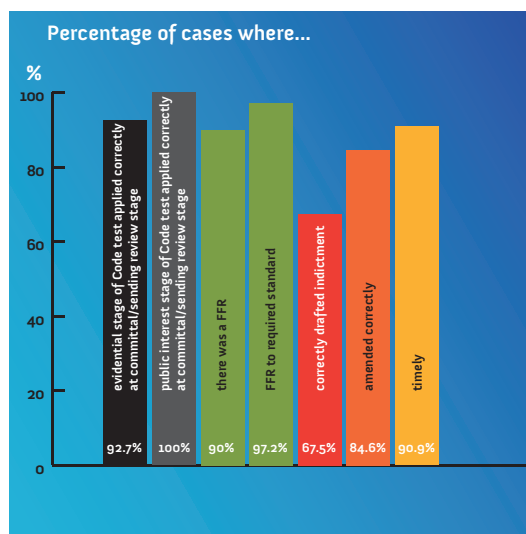
3.2 Performance is measured in terms of the quality and timeliness of case review and preparation, the proportion of cases listed for trial which proceed on time, and eventual outcome of proceedings. Additionally, the Area has set targets for assisting in the recovery of criminal assets.

3.3 The Area has, for a number of years, had a trial unit (TU) which is responsible for the preparation and progression of Crown Court cases. The Area’s crown advocates are sited in the TU and managed by the unit head, and they have a good working relationship with the other lawyers in the unit. All the lawyers and paralegal officers in the unit are very experienced and this is reflected in the overall quality of the Area’s Crown Court casework.

The quality of case decisions and continuing review

3.4 We examined 41 finalised Crown Court cases, all of which had been subject to a pre-charge decision. In three cases the evidential stage was not applied correctly at the pre-charge stage but all were subsequently discontinued. In two of the three cases there was insufficient consideration of the strength of the evidence against individual defendants, and the decision to discontinue was taken when the defendant against whom the evidence was strong pleaded guilty.

3.5 The quality of full file reviews is good, indicating clearly that the reviewing lawyer had considered the evidence carefully and identified what further case building work was required by the police. It was encouraging to note that prosecutors did not merely “cut and paste” the charging review but considered the evidence afresh. These reviews went hand in hand with detailed notes to the police setting out what was required.



3.6 Every relevant case proceeded to Crown Court trial on the correct charge(s) but the quality of the initial drafting of the indictment needs improving. None of the errors were fatal to the proper presentation of the case, and most could have been avoided by a more careful checking of the papers before they were sent out.

3.7 Whilst the recently introduced core quality standards monitoring process has a specific question on the quality of indictments it is appropriate for the Area to undertake specific work to improve the initial draft of the indictment. This should be done in conjunction with the recently introduced plea and case management hearing (PCMH) feedback process.

Recommendation

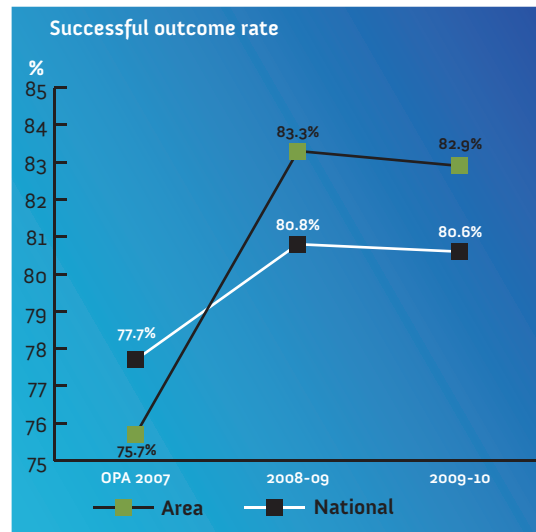
The trial unit head should:

- review each case where the plea and case management feedback form indicated that the indictment had to be amended;
- identify and disseminate to prosecutors and paralegal officers any learning points; and
- demonstrate that performance is improving against our findings.

3.8 There are clear guidelines for the referral of cases to the Group complex casework unit (CCU) although until recently the CCU was unable to take all cases which come under the referral guidelines. The position has now changed which should assist the Area.

Outcomes in the Crown Court

3.9 The Area's Crown Court caseload is increasing. The number of cases committed (or sent) to the Crown Court rose from 1,036 in 2008-09 to 1,135 in 2009-10 (+9.6%). The number of completed cases also increased from 968 to 1,030 (+6.4%). There was a sharp increase in the number and proportion of cases committed to the Crown Court, but a drop in indictable only cases. The proportion of successful outcomes is good and better than national performance. The proportion of contested cases which resulted in a conviction rose from 54% to 55.5%.



3.10 The Area has very few cases which are discharged because the prosecution is not ready to proceed to committal and the court refuses an adjournment. There were nine such cases in 2008-09 and 12 in 2009-10 (representing 0.1% of the Area's magistrates' court caseload compared with 0.3% nationally). All discharged committals are reviewed by the unit head and a prompt decision made as to whether proceedings should be reinstated.

Adverse cases: judge ordered acquittals and judge directed acquittals

3.11 Decisions to drop Crown Court case are made correctly and prosecutors are good at taking appropriate action to try and save cases. There had been a material change in either the evidential strength of the case or the public interest considerations since the case was committed or sent to the Crown Court in all but one file examined. In the one case the serious evidential weaknesses were not identified at the committal preparation stage.

3.12 The Area has appropriate systems, which were confirmed by our file examination, to ensure that any decision to discontinue a case is taken at the appropriate level.

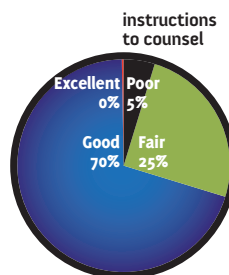
3.13 There were three judge directed acquittals (JDAs) in our file sample. In one the outcome was reasonably foreseeable at the start, but none could have been avoided by better case preparation. In the one case where the outcome was reasonably foreseeable the prosecution had done all that could be expected of them to get a key witness to give evidence, and when they refused made the appropriate representations to get her evidence read. However, the court refused the application and as the jury had already been sworn the case was recorded correctly as a JDA.

3.14 Pre-charge failed case reports are good and set out fully the salient facts and identify correctly whether any action on the part of the CPS or the police could have prevented the outcome. The reports also identify clearly any issues to be raised at joint performance management meetings. The quality of the Area's pre-charge failed case reports is a **STRENGTH**.

Case preparation and progression

3.15 The quality of case preparation and instructions to counsel at the committal or service stage is good, but timeliness is an issue. The Area has systems in place to chase up outstanding material from the police, but often it is received very close to the date set down for committal or service. In committal cases this was resulting in the papers being served very shortly before, or on the day set down for committal. This was leading to unnecessary adjournments while the defence considered the papers. The target date for service of the prosecution case was met in 80% of cases, and in one there was formal application to extend the date.

3.16 At the time of our inspection (May 2010), the Area had recently introduced the optimum business model in the Crown Court, the processes appear to be working well and have the potential to reduce some of the delay in committal preparation. This unit, which was staffed by a duty prosecutor and paralegal officers, has a number of responsibilities including dealing with the work of prosecutors on leave and urgent matters when the allocated lawyer is not available. The paralegal officers are also responsible for undertaking the initial preparation of committal papers, prior to them being checked by a prosecutor.



3.17 Once the case is committed or served, it is kept under review and actions are usually timely. The ability of the Area to comply with timescales is assisted clearly by the importance put on there being continuity of prosecutor. This was apparent in all but two of the cases examined. There was good evidence of prosecutors, crown advocates and paralegal officers working closely together, with appropriate tasks being undertaken by the relevant member of the case team and directions made by the court at the PCMH recorded clearly. Once the case is in the Crown Court there is good proactive case management.

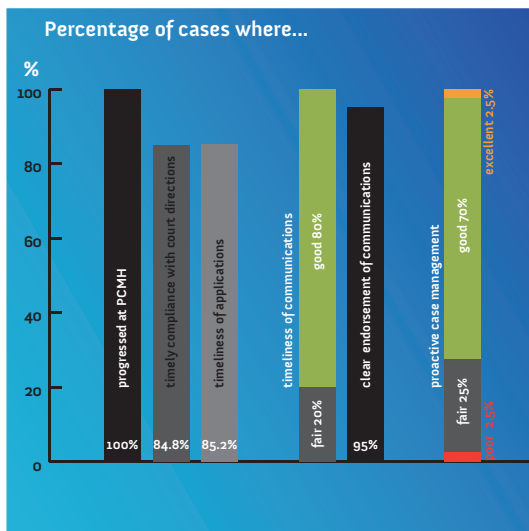
3.18 Applications are timely but it should be noted that we have assessed timeliness from when the prosecutor was in receipt of sufficient information to make the application. Often this would be close to the trial date, as they were awaiting information from the police or were notified late in the day that the victim or witness would for example like to give evidence behind screens. This may account for apparent disparity between our findings and the concerns raised by the court in respect of this aspect of performance.

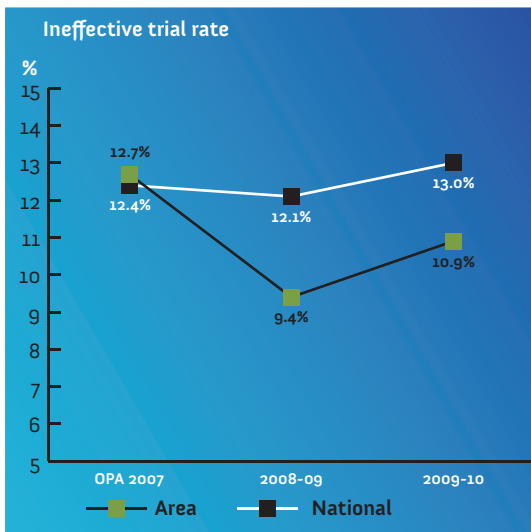
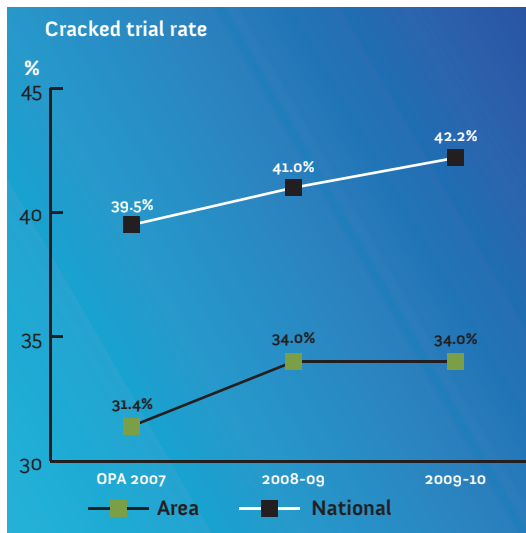
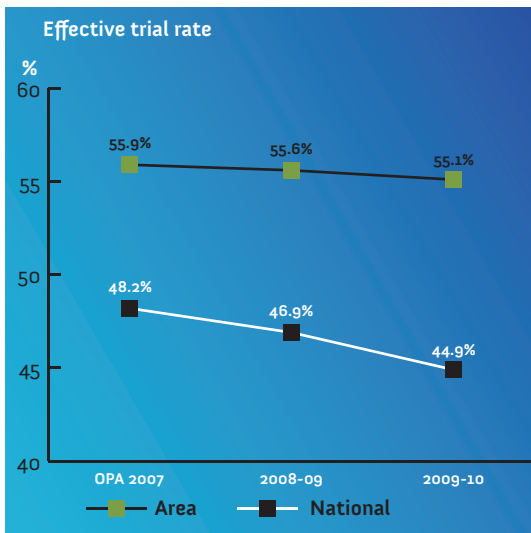
3.19 There have been difficulties experienced at court in the playback quality of DVDs, which has on occasion led to cases being transferred between courts at the last moment. To address this, paralegal officers now check the courtroom quality of any DVDs required to be played in advance of the trial. This enables them to identify the best courtroom in which to play the disc. In addition the partner agencies set up a working party to find long term solutions. That working party has recently reported back with recommendations designed to improve this aspect of case presentation. This is a good example of the agencies working together to solve operational difficulties.

3.20 Case progression has been improved by the introduction of the early guilty plea procedure which we discuss further in the next chapter.

Effective, ineffective and cracked trials

3.21 The Area’s effective Crown Court rate is good and has improved since our OPA 2007, and the proportion of ineffective and cracked trials attributable to the prosecution is much better than found nationally. This reflects the good quality case preparation we have discussed above and indicates that where cases have to be dropped the decision is timely. There were seven ineffective trials in our file sample, but only one could have been avoided by prosecution action.





3.22 The reasons for each cracked and ineffective trial are analysed and a report provided to the unit head. Any pertinent findings from the analysis are discussed at the unit management meetings.

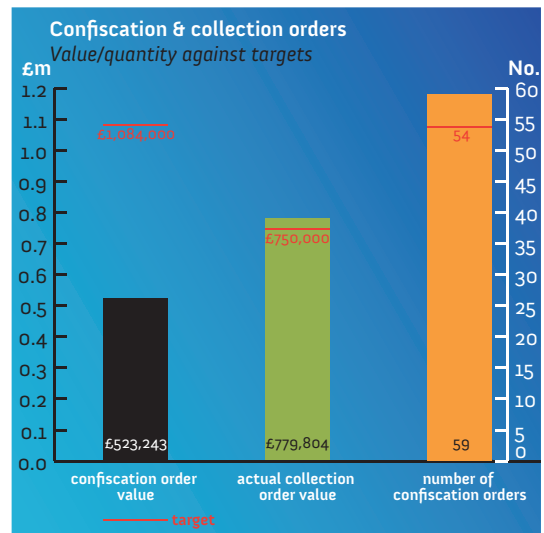
3.23 The Crown Court at Luton operates a certificate of readiness procedure, which requires the parties to certify approximately two weeks before the trial date, or start of the relevant warned list that the case is ready for trial. There was compliance by the prosecution with this requirement in every relevant case examined. In those cases where they were not able to certify that they were trial ready there was liaison with the court to address the outstanding issues.

3.24 Additionally monthly case progression meetings with the court and CPS case progression officers and witness care unit staff have, at CPS instigation, resumed after going into abeyance for a number of months. These meetings consider the reasons for ineffective trials and look forward to any problems in upcoming trials.

Asset recovery (proceeds of crime)

3.25 The Group and the Area recognise that asset recovery is an aspect of performance where more work needs to be done, and that one of the difficulties is a lack of police financial investigation officers (FIOs). In this respect the Area suffers from its close proximity to London and the Bedfordshire Police have lost a number of FIOs to the City of London Police. At the time of our inspection there was a significant case pending which should result in a very large confiscation order. This, if successful, will substantially improve performance.

3.26 At Area level asset recovery issues are being taken forward by the Bedfordshire Criminal Justice Board through an Asset Recovery Group. There is also a designated judge at Luton Crown Court and a proceeds of crime court once a month which deals with relevant issues.



Use of case management system – Compass CMS

3.27 CMS usage was good although more accuracy is need in recording the reasons for unsuccessful outcomes. The case outcome was recorded incorrectly in only two cases (one of which was a technical error) in our file sample. Accurately recording the reasons for unsuccessful outcomes provides management with useful information on why cases fail, and helps to identify any trends. Some of the pre-charge failed case reports noted the errors, but it was not apparent that CMS had subsequently been amended.

3.28 Our checks confirmed that the timeliness of the updating of Crown Court hearings and outcomes on CMS is good. The Area has developed systems to help in the timely receipt of results in cases which are transferred to Cambridge Crown Court.

4 The prosecution of cases at court

OPA 2007	Good
AEI 2010	Good
Direction of travel	Stable

4.1 The CPS employs both its own staff and external advocates to prosecute cases in the magistrates' courts and the Crown Court. Regardless of whether the advocate happens to be in-house or self-employed, the same standards apply. Prosecutors should present cases fairly and firmly, assist the court in any sentencing process, and deal effectively with any proceeds of crime issues.

4.2 Performance is measured in terms of the quality of case presentation, whether cases are progressed effectively and the value for money of prosecutor deployment.

The standard of advocacy

4.3 We assessed nine advocates in the magistrates' courts and Crown Court and found that the quality was variable. The majority of the advocacy was acceptable (and some was above the normal requirements) and all met the CPS national standards of advocacy. There was a consensus among criminal justice partners that the quality of case presentation had improved in the magistrates' court since our last inspection in February 2007. Notwithstanding we found that some prosecutors were lacklustre in presentation, and needed to be more authoritative or were not able to provide the court accurately with the necessary information when requested. None of the case presentation we observed was challenging, although in one trial we observed an impressive opening speech by counsel. Our findings are set out in the table below:

Advocacy standards					
	Level	Number of CPS advocates/ associate prosecutors in the magistrates' courts	Number of counsel/solicitor agents in the magistrates' courts	Number of crown advocates and other CPS advocates in the Crown Court	Number of counsel in the Crown Court
Assessed as above normal requirements	1	-	-	-	-
	2	-	-	1	1
Against CPS national standards of advocacy	3+	1	-	-	-
	3	1	-	-	-
	3-	3	-	1	1
And those assessed as less than competent	4	-	-	-	-
	5	-	-	-	-

Assessment: 1 = Outstanding; 2 = Very good, above average in many respects

3+ = Above average in many respects; 3 = Competent in all respects; 3- = Below average in some respects, lacking in presence or lacklustre

4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

4.4 External advocacy assessors carried out assessments of the full-time crown advocates (CAs) on the trial unit in March 2008 and one to one feedback was provided by the unit head to the individual CAs upon receipt of the assessors' reports. Since then the Group advocacy assessor has carried out assessments of all except two of the CAs. All the advocates observed were marked as competent. This accords with our findings because the CPS does not sub-divide the box 3 category, therefore all advocates assessed as competent would be marked as 3 or above.

Progressing cases at court

4.5 Prosecutors are good at progressing cases at court. The prosecutor progressed the case at the first hearing in all but one of the

magistrates' court cases in our file sample in accordance with the requirements of Criminal Justice: Simple, Speedy, Summary (CJSSS). In the Crown Court the prosecutor took the necessary action to progress the case at the PCMH in all the files we examined.

4.6 Despite this the Area was not meeting the CJSSS target for the number of hearings in either guilty plea or contested cases in 2009-10, although performance improved in respect of contested cases. We understand that, due to a reduction in contested hearings, there has been further improvement in both categories in early 2010-11. The following table illustrates the Area's performance:

Magistrates' courts cases					
	Target	2008-09		2009-10	
		Area	National	Area	National
Average number of hearings per guilty plea	2.1	2.4	2.2	2.4	2.1
Average number of hearings per contest	4.0	4.9	4.4	4.6	4.0

4.7 The Area is aware of the need to improve performance, but some of the issues are outside their control, for example issues around the grant of legal aid and the provision of pre-sentence reports.

4.8 The Area has specific arrangements to ensure youth court prosecutors are available to deal with any matters before the start of court, including liaising with the Youth Offending Team. We did not observe any youth courts, but were

informed that the prosecutors had a good knowledge of the law and procedure and compared favourably with their defence counterparts.

4.9 There are similar arrangements in place for the early attendance of the prosecutor in the Specialist Domestic Violence Courts (SDVC). This enables them to consult with the independent domestic violence advocates about any issues that may arise. Our observations of the SDVC confirmed that the prosecutors are fully competent and well prepared.

The early guilty plea court

4.10 One initiative which merits specific comment is the introduction at the Crown Court of the early guilty plea (EGP) procedure in September 2009. This was at the instigation of the Area (and draws on a similar scheme operating in Merseyside), but its implementation is indicative of the good collaborative working between the agencies. Briefly, the prosecutor who prepares the committal will state whether they think there will be an EGP and will notify the defence and Crown Court accordingly. The case is then committed to an EGP court four weeks hence. The defence must notify the Crown Court if they disagree. If no notification is received from the defence, or they confirm the guilty plea the case proceeds in the EGP court, otherwise the case goes into the usual PCMH court.

4.11 Data provided by HM Courts Service indicates that the number of cases going into the EGP court is increasing, as is the proportion identified correctly by the prosecution as likely to be an EGP. Since January 2010 approximately 20 cases a month are going into the EGP court, and the success rate (namely those where there is a guilty plea) ranges from 70%-92%.

Court endorsements

4.12 As the following table illustrates, the quality of court endorsements is good in a substantial majority of cases:

Quality of endorsements	Excellent	Good	Fair	Poor
Magistrates' courts file endorsements	0	25 (73.5%)	9 (26.5%)	0
Crown Court file endorsements	0	32 (80.0%)	6 (15.0%)	2 (5%)
Magistrates' courts CMS recording	0	31 (81.6%)	7 (18.4%)	0
Crown Court CMS recording	0	37 (92.5%)	3 (7.5%)	0

4.13 The recording of directions arising at the PCMH is good as is the general level of endorsement of Crown Court hearings. We were able to ascertain the progress of the case through the court endorsements in all but two cases. Most contested cases dealt with at Luton Crown Court included a record of the evidence given by the key witnesses. This was much less apparent in cases transferred to Cambridge

Crown Court. There is very quick notification to the witness care unit of Crown Court results, including where defendants are released on bail, which is a **STRENGTH**.

Facilities at court

4.14 Prosecutors have access to all the necessary facilities, including the CMS at each of the court centres.



5 Serious violent and sexual offences and hate crime

OPA 2007	Fair
AEI 2010	Good
Direction of travel	Improved

5.1 Serious violence and sexual offences include causing grievous bodily harm and wounding, offences using weapons, fatal road traffic offences, homicide, rape, child abuse and domestic violence. Hate crime includes racially aggravated and homophobic offences, elder abuse and disability aggravated offences. The CPS is committed to helping make communities safer under Public Service Agreement (PSA) 23 and to bringing offences to justice under PSA 24.

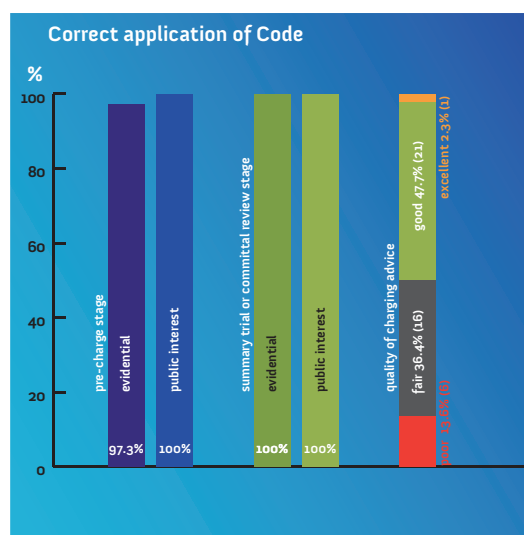
Specialists and experts

5.2 The Area benefits from sufficient specialists and experts able to provide the requisite expertise when providing pre-charge advice on cases within this category. Overall we found that post charge these cases continued to be handled by prosecutors with appropriate experience.

5.3 The specialists and experts also contribute to widening the knowledge of staff by providing in-house guidance and focussed training sessions, for example on the application of the law relating to firearms.

The quality of advice and decisions

5.4 The quality of the application of the Code for Crown Prosecutors in cases involving serious violence, sexual offences and hate crime is good. The quality of the record of the charging decision was at least good in half the cases examined.



5.5 There were three poor charging advices in cases involving allegations of domestic violence, one in a rape case and two in cases involving other serious sexual offences. In the rape case the issues that should have been addressed at the pre-charge stage were subsequently picked up at the time of the service of the prosecution case.

Violence against women

5.6 As the following table illustrates, the proportion of unsuccessful outcomes is declining and there is a general trend of improvement particularly in cases involving

allegations of rape and other serious sexual offences, although cases involving allegations of domestic violence still lag slightly behind national performance:

Unsuccessful outcomes					
	National target	2008-09 Area	National	2009-10 Area	National
Violence against women	28%	31.7%	28.1%	30.2%	28.2%
Rape	41%	60.9%	42.3%	28.6%	40.6%
Domestic violence	28%	31.6%	27.8%	31.7%	28.0%
Sexual offences	28%	22.0%	24.9%	11.9%	24.0%

Rape and serious sexual offences

5.7 The Area provides the police with a weekly specialist advice surgery, staffed by rape specialists, for offences involving allegations of rape and child abuse. This enables the police to obtain early face-to-face investigative advice and full Code test decisions.

5.8 As the table illustrates there has been a step-change in performance from 2008-09 to 2009-10. Whilst the poor performance in 2008-09 was primarily attributable to one multi-defendant case, it is apparent that the creation of a police force wide rape investigation unit (RIU) in 2009 has made a substantial difference to the quality of the police investigation and supervision. The Area rape co-ordinator (who has been in post for a number of years) sits on the RIU steering group, and there is good collaborative working. One of the senior crown advocates also attends the group.

5.9 The police had hoped to set up a sexual assault referral centre, which would have provided dedicated services for the victims of sexual assaults. Whilst premises were identified, at the time of our inspection it had not been possible to obtain the necessary funding commitment from the NHS. This is disappointing, as both the police and the CPS had made significant efforts to develop this additional benefit.

5.10 The Area has conducted pre-trial witness interviews in some cases involving allegations of rape, and these have proved beneficial, in one case leading to additional charges against the defendant.

5.11 The Area policy is for rape cases to be prosecuted by suitably experienced crown advocates⁴. Where the Area crown advocate cannot cover a trial, the possibility of instructing another crown advocate within the Group is explored. We saw an example of this in our file sample, where a CPS Hertfordshire crown advocate took over a rape case. However, we also noted a case where self-employed counsel was instructed late in the day.

5.12 The Area rape co-ordinator makes a substantial contribution to improving performance. Very detailed reports on rape cases are submitted to CPS headquarters, which provide a full analysis of the issues that arose. There is substantial compliance with the CPS policy on prosecuting cases of rape, including the holding of conferences in every case and the seeking of a second opinion when it is proposed to direct no further action or discontinue the case. The only aspect which we noted was absent was a report from trial counsel in all rape cases which resulted in an acquittal. These reports are valuable in learning lessons on the presentation of cases and where the evidence could be strengthened.

Compliance issue

With immediate effect the trial unit head should instruct trial counsel to provide a report in all rape cases which result in an acquittal.

Domestic violence

5.13 As the table at paragraph 5.6 illustrates the Area's performance in respect of offences involving allegations of domestic violence was not as positive as the other violence against women aspects in 2009-10. However, performance improved in the first quarter of 2010-11 and was comparable with the national average.

5.14 We examined 14 domestic violence cases. In one case the evidential stage of the full Code test was not applied correctly at the pre-charge stage but the proceedings were subsequently discontinued. The majority of charging advices were of good quality, but half the MG3s assessed as poor were in this case category. Prosecutors were not routinely recording on the MG3 the availability or quality of any enhanced evidence that might have been available.

5.15 Where the victim indicated that they no longer wished to support the prosecution there was appropriate consideration of the CPS policy on domestic violence in each case. This included consideration as to whether to summons the victim to court, to seek to adduce their evidence under the hearsay provisions or to proceed without their evidence. Where the decision was to discontinue the case, it was timely. Prosecutors were robust in their decisions to continue with cases.

⁴ We use the term generically to cover crown advocates, senior crown advocates and principle crown advocates.

5.16 The Area is working closely with the police to drive up performance and the domestic violence champion attends a number of strategic and operational groups. The Area has also carried out a detailed analysis of outcomes by ethnicity of the defendant. Whilst the ethnicity of the victim is not recorded, this is a proxy indicator of their ethnicity. That analysis suggests that the Area has a disproportionate number of unsuccessful outcomes in cases involving Pakistani defendants when compared with the national picture and other minority ethnic groups in the Area. In 2009-10 59.7% cases involving Pakistani defendants resulted in an unsuccessful outcome compared with 42.9% nationally.

5.17 There is also a significant difference in performance between the two magistrates' courts in the County, with a higher success rate in domestic violence cases in Bedford than Luton. Whilst Bedford has a diverse minority ethnic community, the Pakistani community is centred on Luton. Locally produced data by the Bedfordshire Criminal Justice Board indicates that in the calendar year 2009 the successful outcome rate in Luton Magistrates' Court was 62% compared with 70% at Bedford.

5.18 These findings indicate that the Area should continue its community engagement focus on minority ethnic women's support groups.

5.19 Both magistrates' court centres operate a weekly Specialist Domestic Violence Court (SDVC). The prosecutor at Luton SDVC was well prepared and displayed a good knowledge of the relevant practice and procedure. We did have some concerns about the physical proximity of the defendant to the prosecutor and senior managers will wish to assure themselves that they are discharging their duty of care.

5.20 The SDVCs do not hear contested cases, which are dealt with as part of the court's normal listing practices. If the defendant is committed the case will pass back to the SDVC for sentencing. Whilst this ensures that the sentencing process receives specialist attention, the court is not in position to draw on its own knowledge of how the evidence came out or the impression made by the victim and the defendant.

5.21 There are independent domestic violence advocates (IDVAs) at both SDVC courts, but at the time of our inspection there was an imbalance in numbers with six in Bedford and only two in Luton. In light of the concerns about the successful outcome rate in Luton, the Area has worked with its partner agencies to increase in 2010-11 the number of IDVAs in Luton.

Homicide and serious violence

5.22 We examined two homicide cases and six involving allegations of serious violence. In the homicide cases the initial charging advice was given by a lawyer from the Group complex casework unit, although they were subsequently handled by the Area. In both pleas were accepted properly to manslaughter. One of the cases involved what is known as "one-punch" manslaughter, and the Area dealt particularly well with the family of the deceased, ensuring that there was full consultation with them about why the plea was acceptable.

5.23 The quality of the charging advice in cases involving allegations of serious violence was not as good as that found overall, with only one of the six advices assessed as good. Cases involving serious violence can often arise out of confusing scenarios involving a number of witnesses who may give differing accounts. It is therefore important that the case analysis is clear and concise. A further issue was the

lack of continuity of prosecutor at this stage. In three of the cases, two or more prosecutors gave charging advice before the final decision was taken. This was due in part to the previous practice, which we have discussed in the chapter on pre-charge decisions, of not authorising charge until all necessary work was undertaken by the police.

Road traffic cases involving fatalities

5.24 The head of the CPS criminal justice unit at Bedford provides the charging advice in most cases involving fatal road traffic incidents, with all decisions having to be approved by the CCP. There was one such case in our file sample which was dealt with correctly throughout.

Hate crime

5.25 In 2009 the Area has had to deal with some extremely sensitive hate crime cases, which have had national prominence. The quality of the overall handling and case preparation was commented on very favourably by interviewees, in particular the way the actions of individual defendants were set out clearly in the evidential bundles.

5.26 As the following table illustrates performance is improving and the Area consistently performs better than the national average in its level of successful outcomes:

Unsuccessful outcomes					
	Target	2008-09		2009-10	
		Area	National	Area	National
Hate crime: combined racist, religious, homophobic and disability	18%	15.6%	18.0%	10.4%	18.1%

5.27 We examined seven racially aggravated cases. The Code tests were applied correctly at each stage and the charges directed at the PCD stage were maintained throughout the proceedings (although one case was discontinued). Overall the cases were handled well and with one small exception there was compliance with the CPS policy on handling racially and religiously aggravated offences. The one exception was that the sentence uplift for the racially aggravated nature of the offence was only recorded in one of the four relevant cases. The CCP will wish to remind prosecutors that their file endorsement should contain this information.

Safeguarding children and child abuse

5.28 The head of the trial unit is a non-statutory member of the Luton Safeguarding Children Board and attends their quarterly meetings. As a result of this attendance inter-agency links have been established and the unit head is consulted on various issues.

5.29 Serious child abuse cases are allocated to appropriate specialists in the trial unit, or referred to the CCU if they involve “shaken baby syndrome” or sudden infant death. This ensures that cases are dealt with by prosecutors of the necessary experience.

5.30 There were five cases involving allegations of child abuse (some historic) in our file sample. They were all dealt with appropriately and in the relevant cases the video recording of the child's evidence was watched at the pre-charge decision stage. The prosecutor's assessment of the child's evidence was also recorded on the MG3.

Identification and management of sensitive cases

5.31 There was only one case in our file sample which had not been flagged fully to indicate the nature of the allegation and to indicate it required particular care and attention. The Area has robust checks to ensure serious and sensitive cases are flagged appropriately and allocated to the right level of prosecutor.

6 Disclosure of unused material

OPA 2007	Fair
AEI 2010	Good
Direction of travel	Improved

thematic inspection of disclosure, 'Disclosure: A thematic review of the duties of disclosure of unused material undertaken by the CPS', which was published in May 2008, shows that the Area performed better than found in our thematic review in each key aspect.

Decision-making and compliance with the duties of disclosure

6.1 Performance in this aspect has improved since the last OPA. The table detailing the findings of this inspection with those in our

Disclosure rates	Overall findings in thematic review 2008	Area performance in this inspection
Initial (or primary) disclosure dealt with properly in magistrates' court cases	55%	100%
Continuing (or secondary) disclosure dealt with properly in magistrates' court cases	81.8%	100%*
Initial (or primary) disclosure dealt with properly in Crown Court cases	57.5%	90%
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	69.7%	90.6%
Disclosure of sensitive material dealt with properly in magistrates' court cases	26.7%	0%*
Disclosure of sensitive material dealt with properly in Crown Court cases	54.5%	64.3%

* One case

Initial disclosure

6.2 Initial disclosure means providing the defence with any material which has not previously been disclosed to them and which satisfies the disclosure test. The test is applied by the lawyer and relates to material which may undermine the prosecution case or may assist

the defence case. There is a continuing duty to disclose such material throughout the life of a case during the court proceedings. Failing to disclose something which should be disclosed can lead to injustice and failures to comply can have severe consequences for the prosecution.

6.3 The Area's compliance with the duty of initial disclosure is good. In the two non-compliant cases there was a failure to disclose undermining material, although this was rectified at a later stage in one. The other case involved a failure to disclose the previous convictions of a prosecution witness, although there was no injustice as the defendant was acquitted. This case was the exception as in all other relevant cases it was clear that there had been appropriate consideration, in conjunction with the unit head, about whether previous convictions should be disclosed.

6.4 There was a similar high level of performance in respect of the timeliness of disclosure.

6.5 Positive aspects of the handling of initial disclosure included:

- clearly endorsing the non-sensitive unused material schedule with the prosecutor's decision;
- examining relevant material before making a decision;
- ensuring items were described fully; and
- requesting the police to add items that were clearly missing from the schedule.

Continuing disclosure

6.6 The Area has a pragmatic approach to its duty of continuing disclosure and usually provides the defence with copies of items requested. Some defence statements were of poor quality and did not meet the statutory requirements, but it was rare for these to be challenged. Prosecutors were also hampered by late receipt of defence statements outside the time limit set

by the court, on occasion very shortly before the trial date. It is to the Area's credit that they sought to deal with matters raised in late defence statements to avoid ineffective trials. Prosecutor's responses to defence statements were usually timely and where delays did occur it was due to them awaiting the disclosure officer's certificate that there was no further undermining or assisting material.

Sensitive and third party material

6.7 Issues identified in respect of the handling of sensitive material were:

- not signing the sensitive material schedule (which is required even if there is a nil return);
- not requesting a sensitive material schedule when the police failed to provide one; and
- not always challenging the police assertion that there was no sensitive material when the circumstances suggested otherwise.

6.8 Prosecutors were alert to non-sensitive material being listed inappropriately on the sensitive material schedule and requested the police to make the necessary amendments in five out of seven relevant cases (71.4%).

6.9 There was one case in our file sample which could have properly attracted a public interest immunity application. The prosecutor was alert to this possibility, although the case was discontinued correctly for other reasons.

6.10 Every case in our file sample involving third party material was dealt with correctly and interviewees confirmed that the protocol on handling third party material worked well.

File housekeeping and use of the disclosure record sheet

6.11 Unused material, the schedules and associated correspondence are kept in a separate folder within the main file. This assists in maintaining an audit trail and in locating material. There is a very high level of compliance with the requirement to use disclosure record sheets to record disclosure decisions.

Performance improvement and action to improve

6.12 As the Area was only assessed as fair in its last OPA, it was subject to a headquarters audit of its handling of unused material in September 2009. That audit identified similar issues as our inspection around the application of sensitive material procedures and the Area took steps to address those findings. We cannot discount the possibility that some of our file sample may pre-date the performance improvement measures instigated by the Area, but it would be prudent (as the Area suggests) for it to now undertake a follow-up audit.

6.13 All prosecutors have been trained to the required level commensurate with the type of casework they handle. However, there has been limited joint training with the police in the last few years, although the Bedford CJU head delivered training to police case managers in November 2009. This arose because of the police decision to move to civilian case managers filling out the disclosure schedules. When this approach is rolled out by the police in Luton the Area will wish to ensure it also has input into their case managers' training.

Recommendation

The Area unit heads should undertake an audit of the level of compliance with the sensitive material procedures and provide written assurance to the CCP either that there is now full compliance or that further steps have been taken to secure full compliance.



7 Custody time limits

OPA 2007	Fair
AEI 2010	Excellent
Direction of travel	Improved

Area custody time limit systems

7.1 The Area has an up to date written custody time limit (CTL) system issued in January 2009 which complies with the latest national CPS guidance. The Area reported one case as a failure in 2009, but on review by CPS headquarters it was determined that this was not a CPS Bedfordshire failure. We examined this case as part of our file sample and agreed with the determination. This was not a case where the Area had overlooked the need to apply to extend custody time limits, but one where the court found that the prosecution had not acted with due diligence and refused the application for that reason. Prior to this there had been no reported failure for a number of years.

Adherence to custody time limits

7.2 There were 20 cases in our file sample which involved the defendant being held in custody for all or part of the proceedings. We found that:

- the CTL expiry date was calculated and recorded correctly for each defendant and each charge in every case;
- the review dates were calculated and recorded correctly for each defendant and each charge in every case;
- applications to extend the CTLs were made appropriately and in good time in every relevant case;

- where relevant any new CTL expiry dates were accurately recorded; and
- a full and accurate chronology of events was served in six of the seven relevant cases.

7.3 One of the cases in our file sample involved a particularly complex scenario, and the prosecutor had set out clearly on the file the CTL history in respect of each charge. The Area system for ensuring there are timely applications to extend CTLs is a **STRENGTH**.

7.4 Whilst on-site we examined a further nine live files, which confirmed the findings from our finalised file sample.

7.5 Our systems checks confirmed that the Area processes are robust. There are also a number of management checks to ensure that any potential issues are identified at an early stage. Area staff were fully informed about their responsibilities to manage the CTL process and took pride in its effective operation.



8 The service to victims and witnesses

OPA 2007	Fair
AEI 2010	Good
Direction of travel	Improved

8.1 The CPS is committed to delivering a high standard of service to victims and witnesses and overall responsibility for performance is split between the police, CPS and witness care units (WCUs), depending upon which aspect is under consideration. WCUs were implemented as a result of the government's No Witness No Justice (NWNJ) initiative. Although WCUs contain both police and CPS employees, the vast majority are, in practice, staffed and managed by the police. In addition, the CPS is required to inform victims when a decision is taken to drop or a substantially alter a charge.

8.2 Performance is measured in terms of the quantity and quality of direct communication with victims (DCV) letters sent out and the NWNJ primary and secondary measures, which include: cracked and ineffective trials due to witness reasons; witness attendance rates and satisfaction levels; and the number of victim personal statements taken and special measures applications made. The level of care and treatment victims and witnesses receive at court is also important.

Witness care units

8.3 The Area has three WCUs one in the CPS premises at Luton which cover trial unit cases, and the other two at Luton and Bedford Police Stations which cover magistrates' court cases, although almost exclusively staffed by police personnel. There is one CPS witness care officer.

8.4 Liaison between prosecutors/paralegal officers and the WCU staff is good. There is an effective exchange of information on relevant matters relating to the availability of victims and witnesses and whether they want to have special measures applied when they give evidence. WCU managers also attend the various case progression meetings.

Meeting the needs of victims and witnesses

8.5 Overall the Area is meeting the needs of victims and witnesses, for example:

- ensuring vulnerable and intimidated witnesses are notified quickly if the defendant is granted bail;
- being alert to the need to consult with the victim or personal representatives on the acceptability of pleas offered or the basis of plea;
- taking representations from the victim in appropriate cases before discontinuing proceedings; and
- obtaining a victim personal statement in almost all appropriate cases.

8.6 Area performance is assessed against a basket of NWNJ measures, although most of these are owned by the WCU. Those measures indicate that the Area is consistently in the top performing half of CPS Areas.

Special measures

8.7 Special measures applications are usually timely. However, we assess timeliness from when the CPS is in receipt of the necessary information from the police. We noted cases in both the magistrates' court and the Crown Court where prosecutors were alert to the potential to make a special needs application but there was delay in the police providing the information. This can lead to applications being made on the day of trial.

8.8 Prosecutors need to ensure they make an informed decision about what special measures a victim requires, if at all. Applications were automatically made for young witnesses, but we were given examples of where after giving their evidence through a live link they had subsequently indicated they would have preferred to give evidence in court. Prosecutors should not assume, particularly for older youths that they wish the full panoply of measures.

Recommendation

In cases where victims and witnesses are entitled to the protection of special measures when giving evidence, prosecutors should ensure they make an informed decision as to what measures the victim or witness requires.

The care and treatment of victims and witnesses at court

8.9 No concerns were expressed about the care and treatment of victims at court, although we were informed that some prosecutors engaged better than others. The Area has a good relationship with the Witness Service, whose staff act as effective go-betweens the paralegal officers and the victims and witnesses, particularly with regard to updating them on how the proceedings are progressing.

8.10 The details of the witnesses to be called are provided efficiently to the Witness Service for Crown Court cases, but performance is mixed in the magistrates' court, particularly at Luton. The Witness Service relies on timely and accurate information about witness attendance to determine how many volunteers it needs on a given day.

Recommendation

The Luton CJU head should:

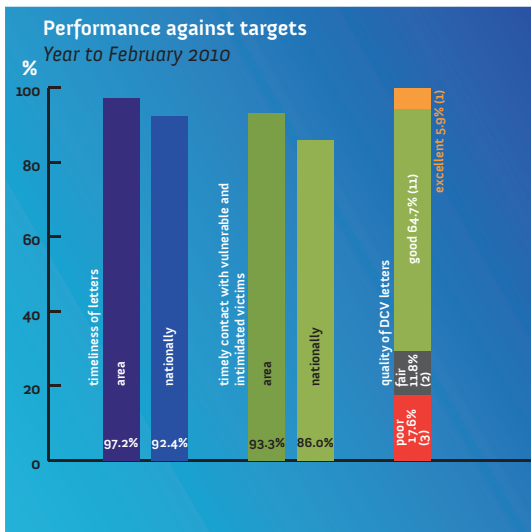
- liaise with the Witness Service and request the detail of all future cases where there has not been timely provision of the necessary information to the Witness Service;
- identify the reasons for any late provision and take any necessary remedial action; and
- demonstrate performance improvement.

Direct communication with victims

8.11 The timeliness and quality of DCV letters is good, with only three assessed as poor. Most letters in our file sample demonstrated an appropriate degree of empathy with the victim and explained clearly why the case had been dropped or the charges amended. Our lay inspector examined a further sample of recent DCV letters and confirmed our assessment. However, she considered that DCV letters to victims of domestic violence could be improved by including the telephone contact details of the 24 hour national domestic violence helpline.

Recommendation

The Area should ensure that all direct communication with victims letters to the victims of domestic violence include details of the national domestic violence helpline.





9 Managing performance to improve

OPA 2007	Good
AEI 2010	Good
Direction of travel	Stable

9.1 CPS management needs to be aligned to performance, concentrating on core business need, effective service delivery, and the attainment of key objectives. Area structures should support the organisation's vision and values so that all staff have a clear understanding of their role, achievable objectives and be aware of their contribution to the process. Systems must be efficient and improvement programmes managed and implemented effectively. Productive links with criminal justice partners need to be maintained which encourage effective joint working, remove blockages to progress, and promote streamlined working practices. The overall direction of travel should be positive.

9.2 Performance takes account of criminal justice measured outcomes across the spectrum and is measured in terms of delivery through effective systems and processes, individual performance management and joint working.

Performance management systems and processes

9.3 Area responsibilities for quality assurance and continuous improvement are clearly defined and there is substantial analysis of all types of performance data, but this is not always at the right level.

9.4 Integrity reports are sent on a weekly and monthly basis from the Group Operations Centre, including data on direct communication with victims (DCV), finalisations, and some aspects of pre-charge decisions. In addition (contained within these reports), extra data requested by the CCP includes unsuccessful outcomes on a weekly basis, guilty pleas and contested cases, and cases with more than three consultations.

9.5 At Group level there has been a lack of awareness about why the Area needs this extra data and communication between the Area and Group performance officer needs to be improved. The provision of additional data imposes an additional resource burden at Group level and there is a need to show that it is essential for the business needs of the Area. Since our inspection the level of engagement between the Group performance officer and Area managers has increased and there are positive signs that this aspect of the Area's relationship with the Group is improving.

Recommendation

The Area should:

- clarify with the Group Operations Centre why the Area requires additional performance data and agree jointly with the GOC what proportion of this additional data is essential for its business needs; and
- develop regular meetings with the Group performance officer.

9.6 Performance is discussed regularly and thoroughly at the senior management team and unit management team meetings (which are minuted and actions identified).

9.7 At Group level, Area accountability is through the Area performance review meetings which are held on a quarterly basis.

9.8 The Area's last Certificate of Assurance was recently audited by the National Audit Office and compliance with the process was described as exemplary.

Individual performance management and quality assurance

9.9 Unit heads investigate failed pre-charge decision cases and good quality reports are compiled in almost all cases which identify realistically whether any prosecution action could have avoided the outcome. The reports also identify issues to be taken forward at joint performance management meetings.

9.10 Casework quality assurance monitoring was used appropriately to identify any issues that needed to be raised with individual prosecutors.

9.11 Where Area performance issues are identified, appropriate remedial action is taken, for example to improve the quality of DCV letters and the operation of the case management system where performance in respect of recording hearing outcomes and case finalisations is much better than found nationally.

9.12 External advocacy assessments were conducted in March 2008 for full-time advocates on the trial unit and the Group advocacy assessor conducted assessments of almost all the crown advocates in the Area during late 2009-10. All were assessed as meeting the national standards of advocacy. The Area also receives feedback from its partners and the judiciary on the quality of advocacy.

9.13 The Area has a number of internal control mechanisms to regulate the effective preparation of cases. Overall our process checks indicated that these work well, but issues need to be addressed in respect of the operation of the Luton criminal justice unit optimum business model processes. The unit has a checklist process which identifies which case preparation tasks have been completed and which are therefore still outstanding. However, the form is only being completed once all tasks are completed, and does not provide an ongoing indication of what still needs to be done. Generally, there should be more monitoring of the day-to-day operation of the Luton optimum business model unit, including assessing priority work.

Compliance issue

The OBM checklist should be used correctly at Luton CJU.

9.14 There was a strong control environment in the trial unit and Bedford CJU with a good use of checklists and dip sampling. The Area should consider how these processes could be adopted in the Luton CJU where the control environment was, for a number of reasons (including a lack of stability in a key management grade) not as strong.

Recommendation

The Area should undertake a comparative review of the control checks used in the trial unit, and the Bedford and Luton CJUs to ensure that good practice is adopted across all units.

9.17 In respect of the Crown Court there are regular meetings between the trial unit head and the Crown Court manager. Similarly the CCP meets the resident judge to discuss Crown Court casework issues. There is a good working relationship with the local judiciary, for example a judge addressed the police and prosecutors about investigatory issues that had arisen in the prosecution of a rape allegation.

9.18 There is regular sharing of performance data, which is subject to detailed analysis and headline issues discussed at the criminal justice board.

9.19 We discuss further aspects of joint working in chapter 12.

9.15 The personal development review process is used effectively and staff have individualised objectives designed to help improve performance and enhance their career development.

Joint performance management

9.16 There are regular and effective joint performance meetings between the CJU heads and the police. However, our checks revealed a high number of outstanding pre-charge tasks recorded on CMS for Luton CJU, including duplicate entries of cases. This needs to be managed more effectively to ensure the Area has an accurate assessment of its current caseload.



10 Managing resources

OPA 2007	Good
AEI 2010	Fair
Direction of travel	Declined

Value for money and budget control

10.1 The CPS budget is set by the Treasury and devolved by the centre to the Groups. As with other government departments, the CPS is required to find annual efficiency savings in line with planned public spending reductions. The Group share is set according to the combined size of the individual Areas it comprises and calculated according to the activity based costing (ABC) model. The Group has the facility to transfer budgets between its Areas to adjust for shortfalls and under spends. In exceptional circumstances, a business case can be made to headquarters for additional resources to be released.

10.2 Performance is measured in terms of overall Area spending against the allocated budget, the value for money returned from resource deployment and the management of sickness and flexible working.

10.3 The budgeting process for the Area is not fully effective. Several cost lines had no budget allocated, for example professional charges and computer costs. The original budget allocation also had to be revised significantly during the year with the lawyer staff costs budget increased by 20% and the administrative staff budget reduced by 9% in the Area's final budget revision.

10.4 In part these issues have arisen due to a perceived lack of engagement between the Area and those with budgetary responsibility at Group level, with the result that the Group

has not been able to accurately budget profile the Area. This contrasts for example with Hertfordshire where there are monthly meetings between the Group finance manager, the CCP and the area business manager (ABM). Regular meetings, which we understand have been set up since our inspection, would enable budgetary issues to be identified quickly and appropriate actions taken.

Priority recommendation

The chief crown prosecutor and area business manager should meet regularly with the Group finance manager to review the Area's budget, to enable any remedial actions to be taken promptly.

10.5 There are local Area budgetary controls in place, and the limited financial delegation given to the unit heads is monitored by the Area secretariat and the ABM must approve all graduated fee scheme payments (GFS) over three months old. The timeliness of GFS payments is good, and better than national performance. A national CPS audit report on the Area's use of the GFS scheme, carried out since our inspection, was positive and identified a number of strengths and good practices.

10.6 The Area sends a monthly accruals return to the Group Operations Centre, but this is not always regarded at Group level as complete. It has been agreed that the Group finance manager will work with the Area to get a better understanding of their accruals process which should lead to appropriate changes, and since our inspection there has been agreement that they will visit the Area office to complete the accruals information.

Deployment of staff and budget

10.7 The Area's overall staff numbers have increased from the time of our OPA in June 2007 from 61.9 to 66.7 at the time of this inspection. Overall the number of prosecutors has remained relatively stable (excluding crown advocates). Actual staff costs rose from £3,097,800 in 2008-09 to £3,177,300 in 2009-10 (+2.5%). The Area's outturn for 2009-10 was an overspend of 0.3% against final budget. The Area overspent its much smaller running cost budget by £6,800 (+3.7%), but as we have discussed above incurred expenditure in some cost heads for which there was no budget allocation, but fortunately under spent in other cost areas.

10.8 The budgetary position for 2010-11 is concerning, with an increase in caseload as a proportion of the overall national total, but with a reduction in budget allocation. As at May 2010 the Area had a total budget allocation⁵ (staff and running costs excluding ring fenced accommodation) of £3,054,000 with a predicted overspend of £309,500 (assuming costs remain static with actual expenditure in 2009-10). The overspend is anticipated to be reduced to around £250,000 as the Area is reclaiming the employment costs of an employee on secondment to another department. The overspend will have to be made up by substantive savings including additional higher court advocacy (HCA) savings over and above those already taken into account in the initial budget allocation.

10.9 In 2009-10 the Area made gross HCA savings of £516,000, of which they received £464,000 (90%). The Area's funding for 2010-11 already includes presumed net savings of £339,000, requiring gross savings of £377,000 just to cover the initial budget allocation. Only then can it start to make savings to offset the projected budget overspend.

10.10 In total in 2010-11 the Area needs to make gross HCA savings of £654,400 to generate net savings of £589,000 (£339,000 already factored into the budget, plus the £250,000 predicted overspend). This represents a challenging 26.7% savings increase on the previous financial year to cover the projected shortfall, assuming that administration costs remain static.

10.11 Income generated from Area crown advocates (CAs) working on the CCU is not accrued which can therefore understate overall HCA savings at any particular point in time (for example, at the time of the inspection, one of the Area's advocates working on the CCU is expected to generate £68,000 in savings), it is concerning that for the first three months of 2010, the Area savings did not meet its running costs.

10.12 The Area also lost its highest fee earning CA in 2009-10, and the number of HCA sessions has declined from 918 in 2008-09 to 782 in 2009-10. This coupled with a reduction in savings per session from £155.39 to £144.85 puts further pressure on the Area achieving its HCA savings.⁶

⁵ Based on its proportion of the Group's overall budget, allocated by reference to its activity based costing, but after top slicing the budget for the Group Operations Centre and the complex casework unit.

⁶ Whilst we have provided a significant amount of detail in this section to illustrate the difficulties facing the Area, we recognise that the principal aim of the CPS national advocacy strategy is to increase both the volume and quality of CPS advocacy in the Crown Court.

10.13 At Group level a strategy has been developed to ensure that the maximum use is made of the Group's CAs resources by offering contested cases to CAs across the Group when Area CAs find that they cannot cover the cases. However it is highly likely that the Area will have to look to make cost savings elsewhere to reduce the projected budget deficit.

10.14 In the course of this inspection we have considered how the Area could make savings and in that context looked at the current structures. There are currently two CJUs, one based in Luton and the other in Bedford, both are managed by level D prosecutors. The Bedford CJU is very small (although the recent transfer of the not guilty cases of one police division has increased its workload), and at the time of our inspection had only three lawyers (excluding the manager) and two associate prosecutors. One of the lawyers is on reduced duties and only undertakes case presentation, and the other two each work four days a week. The administration consists of one manager and two staff. The unit is able to run on low administrative numbers because the police perform a number of tasks that in the Luton CJU have to be performed by CPS staff.

10.15 The Bedford CJU works effectively, but we do not consider that there is an appropriate span of control for a level D manager. The Area should review its current structure to ensure that it is the most cost effective way of delivering its business. This is particularly important in the light of the need for the CPS nationally to make substantial savings.

10.16 Additionally, an activity based costing report compiled at Group level in November 2009 indicates that the trial unit is over-resourced with administrative staff. Since that time the

Area has moved to the implement fully the Crown Court OBM which has reduced the demand for typing. The Area needs to ensure that any re-deployment of staff as a result of these structural changes is based on business need.

10.17 It is imperative, having regard to the Area's budget, that the Area only backfills essential vacant administrative posts created by planned staff movements or where staff have successfully secured temporary promotion. It is understood that the Area has produced a budget reduction plan. The Area will be working with the Group to further develop this plan to ensure savings are quantified against timescales.

10.18 It is understood that the Group are developing a commitments package to be used to identify available legal resource across the Group. It is likely to be in place by the third quarter of the current financial year, and be used to assist in planning for the 2011-12 financial year. It is important that the Area works with the Group to ensure that legal resource is allocated consistently and fairly across the Group.

10.19 The Area needs to make significant substantive cost savings (without impacting on operational efficiency) and we make the following priority recommendation:

Priority recommendation

The Area should:

- review its overall structure and produce costed proposals to make substantive savings to achieve a balanced budget;
- work with the Group to produce an agreed budget reduction plan; and
- only backfill essential vacant administrative posts.

Prosecution costs

10.20 The Area overspent its final prosecution costs budget by 6.1% in 2010-11, but this is in part due the Group complex casework unit (CCU) not having its own cost code and prosecution costs incurred by the CCU on Area cases being allocated to Area spend. This position has now been resolved and the 2010-11 budget has been reduced by £503,800 compared with 2009-10 to £862,300.

10.21 We have concerns (which have recently been raised at Group level) about the amount of prosecution cost expenditure to pay counsel's fees in the magistrates' court as opposed to it coming out of the Area's specific agents' budget.

10.22 In 2009-10 the Area spent £83,000 on special fee trials, which was the second highest spend of all CPS Areas. There is national guidance on when this cost code can be used. The Area points to the high number of trials it has to cover compared with other parts of the Group, but that is not the determining criteria. The cost code should only be used for two or three day trials, and in exceptional circumstances one day trials where additional preparation time is required.

10.23 An examination of a selection of cases paid under this cost code showed that one was incorrectly coded to this cost account, but overall it was being used in accordance with the terms of the national guidance.

10.24 However, Areas should be looking to cover their advocacy in-house, and not always instruct counsel just because a case is listed for two or more days. One of the key priorities for the CPS in 2010-11 is to reduce the level

of prosecution costs, the Area can contribute to this by only instructing counsel in special fee trials when there is clearly no in-house capacity. There are other advantages to dealing with these cases in-house, as by their nature they will be more complex and the allocated in-house prosecutor will have a detailed knowledge of the evidence.

10.25 Additionally, the experienced trial unit lawyers currently undertake very limited advocacy, and these types of case would be appropriate for them to prosecute, saving on prosecution costs and keeping up their advocacy experience.

10.26 Keeping more work in-house should lead to substantial prosecution cost savings.

10.27 Agent usage is consistently high. In 2008-09, agents were used to cover 26.8% of magistrates' court sessions compared with 14.6% nationally. This improved to 22.4% in 2009-10 but was still worse than nationally (14.7%) and the general agent spend which is strictly cash limited fell from £54,600 in 2008-09 to £31,300 in 2009-10.

10.28 There is no allocated budget for agents in 2010-11, but within the first quarter £3,800 appears to have been spent under this cost head. There is still an expectation in the Area that agents will be used.

10.29 The Area has done a detailed analysis of the number of court sessions and is working to reduce the number of trial courts. If successful this would reduce the pressure on agent spend and also ensure that more contested cases are dealt with by in-house prosecutors.

Priority recommendation

The Area should reduce its spend on special fee trials by using in-house prosecutors save in exceptional circumstances.

Deployment at court

10.30 The Area has six associate prosecutors (APs) although one is currently on a short term career break, and their use at court is improving but is just below the national average.

10.31 The Area has assessed that two of the current AP posts should be converted to the AP2 level to deal with an enhanced level of casework including some summary trials.

10.32 Overall only 77.6% of court sessions were covered by in-house prosecutors in 2009-10 compared with 85.1% nationally, although the position was improving during the latter part of the year and early 2010-11.

10.33 In the Crown Court the number of HCA sessions has also declined from 918 in 2008-09 to 782 in 2009-10. This coupled with a reduction in savings per session from £155.39 to £144.85 puts further pressure on the Area achieving its HCA savings.

Managing sickness and flexible working

10.34 The Area manages its sickness absence well, which is significantly better than found nationally and is reflected in the high staff attendance levels. The Area is consistently ranked as either the best or one of the best performing in this aspect which is a **STRENGTH**. A low percentage of absence is due to long term sickness. The Group acknowledges that sickness absence management is something the Area does well.

10.35 Flexible working is also well managed and does not cause any substantive operational issues, but there were some concerns expressed about the absence of staff in Luton CJU on a Friday.



11 Leadership and management

OPA 2007	Fair
AEI 2010	Good
Direction of travel	Improved

11.1 Delivering an effective, quality service requires strong, determined leadership, supported by managers who deliver the key messages to staff so that they take ownership of the organisation's vision and values and work both collectively and individually towards achieving them. Internally, the senior management team should engender the respect of its staff and value the contribution of its employees. The organisation's ambassadors at all levels need to foster the confidence and co-operation of its criminal justice partners to realise the full benefits of sympathetic joint working.

11.2 Performance takes account of the effectiveness of the structures, purpose and planning through which the Area's priorities and change management are delivered, the ownership and corporacy of those who carry out the work and the profile the Area enjoys with its criminal justice partners. Additionally, we comment briefly on the Area's ethics, behaviours and values.

Purpose and planning

11.3 The Group business plan for 2010-11 was agreed shortly before our inspection, but is currently under revision, and will feed into the Area business plan and unit plans. The risk register will be updated accordingly.

11.4 In 2009-10 the Area completed successfully all induction programmes for new staff and almost all mid-year reviews were completed on time. At the time of our inspection some end of year reviews and personal development plans were outstanding and these should be completed as soon as possible.

Change management

11.5 In the last two years the Area has implemented successfully a number of national change initiatives, including the optimum business model (OBM) for the processing of magistrates' court contested cases (and recently a Crown Court version of the OBM), conditional cautioning and the paralegal review. Most recently the area business manager project managed the introduction across the Group of Daytime Direct. Where formal evaluations have taken place the findings have been positive, for example the OBM in the magistrates' court.

11.6 The Area has also worked successfully with partners to implement national and local initiatives, and in the case of the Crown Court early guilty plea scheme was the instigator of the change.

11.7 The Area training and development plan is updated regularly and a training return is submitted monthly to the regional training representative. Generally staff considered that they had adequate access to development opportunities, and there is a good level of in-house training by Area specialists. However some administrative staff considered that the communication of available courses could be better.

Communication and corporacy

11.8 Overall internal Area communication is good and a consensus that recent key initiatives; the introduction of core quality standards and Daytime Direct had been communicated effectively. There are monthly senior management team meetings and unit management team meetings. There are regular team meetings in the criminal justice units, but these are less frequent in the trial unit. Staff are asked to contribute agenda items and all meetings are minuted, with actions identified, which are reviewed regularly. The head of the trial unit (which is the biggest unit in the Area) should consider holding separate regular team meetings for administrative staff. There are also weekly crown advocate meetings. In the 2009-10 staff survey, 68% of Area respondents considered that the CPS kept them informed about matters that affected them. This was 27% higher than the national average and is a **STRENGTH**.

11.9 At Group level a staff magazine (Pride and Prosecution) is published three times a year. Although the magazine had items specific to Bedfordshire and Group news of general interest, there was not as high a level of awareness of it as compared to local communications. This is perhaps indicative of a general view amongst staff that they did not identify themselves as being part of the Group entity.

11.10 All managers, including the CCP, have an open door policy and our on-site observations indicated that they were visible and accessible to staff. The staff survey indicated that 46% of staff thought local management was visible, which although appearing a low positive response rate was 11% higher than found

nationally. Senior managers were regarded highly and staff considered that they responded quickly when matters were raised. Within the Area there is a high level of corporacy.

11.11 The relationship between the Area and the Group is more problematic. There was little evidence that staff related to the Group structure or personnel, and in some respects it was viewed negatively. A key issue for staff is the geographical location of Group functions which makes some aspects of career development difficult. The CCU, for example, is based in Cowley on the outskirts of Oxford. Road and rail links are not good, making it impracticable for Area staff to commute on a daily basis. They therefore considered themselves excluded from applying for jobs within the CCU either at lawyer or paralegal level. There is a strong perception that because of the location, practically only staff from CPS Thames Valley can apply for vacancies.

11.12 There are clear advantages to centralising resources, which also allows greater sharing of expertise. However, this needs to avoid the perceived marginalisation of staff.

11.13 On a number of other aspects, for example around resourcing issues and the provision of performance information there were tensions between the Area and the Group. It was clear that the Area disagreed with some key conclusions that had been reached at Group level about the resource commitments of the Area and that at Group level there were concerns about how the Area managed some aspects of its budget.

Ethics, behaviours and values

11.14 Positive staff responses in the staff survey to questions about dignity at work were all higher than the national average and the OBM sign off report for the Bedford CJU commented on the excellent team morale. At the time of our inspection the position was not so encouraging in the Luton CJU, (primarily as a result of changes in some management posts), or amongst administrative staff in the trial unit with the move to the OBM structure and changes to roles and responsibilities. These should only be short term issues, which should dissipate once the changes have been bedded down, but senior managers will wish to assure themselves that these situations are managed.

11.15 The staffing composition of the Area reflects the local community.



12 Partnership working and community confidence

OPA 2007	Fair
AEI 2010	Good⁷
Direction of travel	Improved

12.1 The CPS needs to engage with communities so that it is aware of local concerns and can make informed prosecution decisions as a result. They should also deal promptly and openly with any complaints about those decisions or the level of service provided.

12.2 Performance takes account of the effectiveness of community engagement planning, how it is organised and delivered and degree to which community feedback is embedded into performance improvement programmes. Community confidence is monitored through the British Crime Survey, but it is too broad a measure to disaggregate the CPS contribution as separate to the combined impact all criminal justice agencies have collectively on that figure.

Joint working

12.3 The Area engages effectively with its criminal justice partners, and is regarded by them as committed and proactive in working to improve the delivery of criminal justice in the Area.

12.4 The CCP is the vice-chair of the Bedfordshire Criminal Justice Board (BCJB), and has previously been the chair. The CCP is also the senior responsible officer for two of the current sub-groups and the Bedford CJU head chairs the Victim and Witness sub-group. Other staff in the Area serve on a number of the standing BCJB groups.

12.5 BCJB actions to improve performance include tackling the number of adjournments (where performance is below the national average) and driving up defence compliance with the certificate of trial readiness process. Bi-laterally, in an attempt to reduce the level of pre-charge decisions where prosecutors have to direct no further action, the Area has developed a check list for police evidential review officers. The Bedford CJU head has also delivered multi-agency training (including the defence community) on the introduction of the Director's Guidance on the Streamlined Process.

12.6 There are regular bi-lateral meetings between the CPS and the police, and the CCP meets regularly with the Assistant Chief Constable, unit heads attend prosecution team performance meetings and court user groups. Almost all these relationships are regarded as productive, although less so at Luton Magistrates' Court.

12.7 The CCP is also developing the Area's involvement in wider criminal justice fora, and attends all the Area's Community Safety Partnerships (CSPs) and the Chief Executives forum. The CCP has used his involvement in the CSPs to raise issues around the CPS core business, for example the poor attendance rate of door stewards to give evidence in contested cases. An example of the Area's wider involvement is its engagement with the Bedfordshire "Total Place" project which aims to streamline processes in specific aspects. One the Area's unit heads has for example, been involved in reviewing offender management and how prolific and priority offenders can be dealt with quickly so that they can get the necessary support to prevent re-offending.

⁷ Some aspects of this section were previously included in 'Managing Performance to Improve' and a full like for like performance comparison cannot be made.

12.8 Area champions attend relevant inter-agency meetings and contribute to securing performance improvements. When the joint Hertfordshire and Bedfordshire Hate Crime Scrutiny Panel raised concerns about hate crime cases being transferred to Cambridge Crown Court, the CCP liaised with the Courts Service to ensure that such cases were retained at Luton Crown Court.

Engagement with the community

12.9 Community engagement has been a weak aspect of Area performance in the past although performance has shown steady improvement. This has resulted in the Area now being assessed as amber/green on the performance scorecard for the fourth quarter of 2009-10, having previously been rated as red. The Area has undoubtedly benefited from the involvement of the Group equality and diversity and community engagement manager in identifying where it should target its resources.

12.10 Confidence in the fairness of the criminal justice system (CJS), as measured by the British Crime Survey, in Bedfordshire was 59% in the 12 months to December 2009 (against a baseline of 56%), and confidence in effectiveness of CJS is 40% (against baseline of 37%).

12.11 As part of the community prosecutor approach the criminal justice unit (CJU) heads have started to meet with representatives of Women's Refuges as part of the drive to secure improvement in domestic violence outcomes. This approach is welcomed, but would benefit further from work with minority ethnic women's support groups.

12.12 There is now a more structured approach to community engagement, led at a strategic level by the Bedfordshire and Hertfordshire Confidence Board, and at a local level by a confidence action team (which has a confidence action plan) and the community prosecutor (who is one of the CJU heads). Senior management are proactive in attending community engagement events and are supported in these by staff from across the Area, although predominantly from the CJUs. There has been less involvement by staff from the trial unit, although the Area's Schools Project was co-ordinated successfully by one of the staff.

12.13 The Area's overall performance was recently assessed nationally in respect of the period October 2009-March 2010. The overall assessment was positive, but recommended that the Area need to strengthen the evaluation aspect of its community engagement activity. This is particularly important at a time of diminishing resources to ensure that activity is focussed on improving the quality of the core business.

12.14 Communication strategy with the media is now co-ordinated through the Group communication manager, although the Area will deal with day-to-day media enquiries, and the contribution of this role is valued by the Area. There is effective liaison with the police to ensure a co-ordinated approach when dealing with high profile and sensitive cases.

Complaints handling

12.15 Our lay inspector examined a selection of correspondence in cases where complaints had been made by victims or witnesses. Overall she assessed the responses as very good, they were timely, dealt fully with the complaint and used jargon free language.

Section two: annexes

A HMCPPI purpose and values

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) was established by the Crown Prosecution Service Inspectorate Act 2000 as an independent statutory body. It seeks to enhance the quality of justice through independent inspection and provide assurances to Ministers, government and the public.

The Chief Inspector is appointed by the Attorney General and HMCPPI works in partnership with criminal justice agencies, including the CPS itself, and other inspectorates. Inspection teams comprise legal and business management inspectors and also experienced volunteers, able to provide a 'lay' dimension to the process and who give their time freely. For this service the Chief Inspector is most grateful.

The inspectorate's reports make priority and other recommendations, identify compliance issues and also draw attention to any strengths and good practice found by the team. Progress against recommendations is then monitored and measured, forming a basis for follow-up inspection. All our reports are available on our website: www.hmcpai.gov.uk.

Purpose

HMCPPI's purpose is to enhance the quality of justice through independent inspection and assessment which improves the effectiveness of prosecution services and provides assurances to Ministers, government and the public. 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

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

Values

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

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

Taken together, these mean:

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

B Glossary

Adverse case

A *NCTA*, *JOA*, *JDA* (see separate definitions) or one where magistrates decide there is insufficient evidence for an either way case to be committed to the Crown Court.

Agent

Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' courts.

Associate prosecutor

Formally a designated caseworker (DCW), a CPS employee who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' courts. This role has been extended and will include trials of non-imprisonable offences.

Bar/CPS service standards

Jointly agreed standards that lay down what is expected in terms of performance by the Bar and the CPS in the way they deal with each other.

Standard 1 requires the CPS brief to counsel to be delivered within 14 days of committal in standard fee cases and 21 days in cases involving trials of three days or more and pleas of guilty to serious offences.

Standard 2 provides that counsel, having read and considered the papers, will where necessary advise in writing on any matter requiring advice.

Standard 3 concerns returned briefs and is designed to reduce the numbers of returns and any adverse impact which may result because of a returned brief.

Standard 4 deals with the timely claim of fees by, and payment of fees to, counsel at the end of a case.

Caseworker

A member of CPS staff who deals with or manages day-to-day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – evidential and public interest. 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 (see also *threshold test*).

Committal

Procedure whereby a defendant in an either way case is moved from the magistrates' courts 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.

Compass CMS

IT system for case tracking and management used by the CPS. Compass is the new comprehensive system used in all Areas.

CPS Direct

A scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all Areas.

Cracked trial

A case listed for a contested trial which does not proceed either because the defendant changes their plea to guilty, pleads to an alternative charge, or the prosecution offer no evidence.

Criminal Justice: Simple, Speedy, Summary (CJSS)

Initiative introducing more efficient ways of working by all parts of the criminal justice system, together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Crown advocate

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Director's Guidance on the Streamlined Process (DGSP)

Provisions agreed between the CPS and Association of Chief Police Officers (ACPO) concerning the streamlining of certain prosecution case files, whereby a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Discontinuance

The dropping of a case by the CPS in the magistrates' courts, whether by written notice (under section 23 Prosecution of Offences Act 1985), withdrawal or offer of no evidence at court.

Evidential stage

The initial stage under the *Code* test – is there sufficient evidence to provide a realistic prospect of conviction?

Group operations centre (GOC)

A unit within the group (combination of a number of CPS Areas) which is responsible for dealing with specific aspects of business on behalf of Areas, for example performance management and monitoring, equality and diversity.

Ineffective trial

A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the brief to counsel.

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

Local criminal justice board

The chief officers of police, probation, the courts and CPS, a local prison governor and the youth offending team manager in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of Public Service Agreement targets.

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

Overall performance assessment (OPA)

An assessment carried out at Area level by the inspectorate which rates overall performance. Each aspect of performance is scored and an overall assessment made. These have been carried out in 2005 and 2007.

Performance against targets

Measures of performance against targets set nationally and locally in support of CPS objectives.

Prosecution team performance management (PTPM)

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

Public interest stage

The second stage under the *Code* test – is it in the public interest to prosecute this defendant on this charge?

Review, initial, continuing, summary trial etc

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the *Code*. One of the most important functions of the CPS.

Section 51 Crime and Disorder Act 1998

A procedure for fast tracking indictable only 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.

Summary offences

Those triable only in the magistrates' courts eg most serious motoring offences, common assault etc.

Threshold test

The *Code for Crown Prosecutors* provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the threshold test should be applied.

C CPS Bedfordshire file examination data and comparisons to national performance

1 Pre-charge advice and decisions

Quality of MG3s

Standard of forms recording charging decisions (MG3s)	Excellent	Good	Fair	Poor	Total
	Overall	1 (1.3%)	35 (46.1%)	29 (38.2%)	11 (14.5%)

Benefits realisation

Benefits realisation	2008-09		2009-10	
	Area	National	Area	National
Magistrates' courts cases				
Discontinuance	13.1%	13.1%	15.1%	14.5%
Guilty plea	70.6%	74.4%	65.3%	72.3%
Attrition	20.1%	19.2%	23.1%	21.0%
Crown Court cases				
Discontinuance	7.6%	11.7%	8.3%	11.7%
Guilty plea	73.3%	72.9%	72.6%	73.1%
Attrition	17.0%	19.4%	17.1%	19.5%

Chapter 2: Decision-making, preparation and progression in magistrates' courts cases

Magistrates' courts case outcomes

Case outcomes in the magistrates' courts	AEI 2006	2008-09		2009-10	
	Area	Area	National	Area	National
Discontinuance and bindovers	13.0%	8.3%	8.7%	9.6%	9.0%
No case to answer	0.5%	0.2%	0.2%	0.3%	0.2%
Dismissed after trial	2.7%	2.7%	2.0%	2.9%	2.3%
Discharged committals	0.2%	0.1%	0.2%	0.1%	0.3%
Warrants	2.3%	1.3%	1.6%	1.3%	1.4%
Overall conviction rate	81.4%	87.4%	87.3%	85.8%	86.8%

File examination

Magistrates' court and youth court casework	
	Area performance
Cases that proceeded to trial or guilty plea on the correct level of charge	85.7%
Discontinuance was timely	93.3%
Decisions to discontinue complying with the evidential stage of the Code test	100%
Decisions to discontinue complying with the public interest stage of the Code test	87.5% (one case)
Decisions to proceed to trial complying with the evidential test	94.4%
Decisions to proceed to trial complying with the public interest test	100%
Cases with summary trial review properly recorded	72.7%
Cases where all aspects of case preparation was timely	81.3%
Cases where there was timely completion of all directions between first hearing and trial	96.2%
Applications made and served within time limits	95.2%
Adverse outcomes that could have been avoided by better case preparation	5.9%

Cracked and ineffective trials

Trial rates			
	AEI 2006 Area	2009-10 Area	National
Effective trial rate	44.9%	50.7%	43.7%
Cracked trial rate	33.6%	28.3%	37.7%
Ineffective trial rate	21.5%	21.0%	18.6%
Vacated trial rate	Not recorded	29.6%	21.9%

Chapter 3: Decision-making, preparation and progression in Crown Court cases

Crown Court case outcomes

Case outcomes in the Crown Court					
	AEI 2006 Area	2008-09 Area	National	2009-10 Area	National
Judge ordered acquittals (discontinuance)	11.7%	7.5%	11.7%	8.3%	11.7%
Judge directed acquittals	1.7%	1.7%	0.9%	1.3%	1.0%
Acquittals after trial	9.3%	6.5%	5.5%	6.6%	5.7%
Warrants	2.3%	1.0%	1.1%	1.0%	1.0%
Overall conviction rate	74.9%	83.3%	80.8%	82.9%	80.6%

File examination

Crown Court Casework		Area performance
Decisions to proceed at committal or service of papers in accordance with the evidential stage of the Code test		92.7%
Decisions to proceed at committal or service of papers in accordance with the public interest stage of the Code test		100%
Indictments that were appropriate and did not require amendment		67.5%
Cases where prosecutor took action to progress case at PCMH		97.4%
Cases where there was timely compliance with PCMH directions		77.8%
Applications made and served within time limits		85.2%
Timely completion of actions and compliance with directions between PCMH and trial date		82.4%
Actions carried out by the correct level of prosecutor		100%
Cases where there was no continuity of prosecutor		5.0%
Ineffective trials that could have been avoided by prosecution action		14.3% (1 out of 7)
Adverse outcomes that could have been avoided by better case preparation		23.1%

Cracked and ineffective trials

Trial rates			
	AEI 2006 Area	2009-10 Area	National
Effective trial rate	57.3%	55.1%	44.9%
Cracked trial rate	32.6%	11.0%	13.0%
Ineffective trial rate	10.1%	34.0%	42.2%

Chapter 4: The prosecution of cases at court**Advocacy observations**

Advocacy standards					
	Level	Number of CPS advocates/ associate prosecutors in the magistrates' courts	Number of counsel/solicitor agents in the magistrates' courts	Number of crown advocates and other CPS advocates in the Crown Court	Number of counsel in the Crown Court
Assessed as above normal requirements	1	-	-	-	-
	2	-	-	1	1
Against CPS national standards of advocacy	3+	1	-	-	-
	3	1	-	-	-
	3-	3	-	1	1
And those assessed as less than competent	4	-	-	-	-
	5	-	-	-	-

Assessment: 1 = Outstanding; 2 = Very good, above average in many respects

3+ = Above average in many respects; 3 = Competent in all respects; 3- = Below average in some respects, lacking in presence or lacklustre

4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

Magistrates' courts hearings per case

Magistrates' courts cases					
	Target	2008-09 Area	National	2009-10 Area	National
Average number of hearings per guilty plea	2.1	2.4	2.2	2.4	2.1
Average number of hearings per contest	4.0	4.9	4.4	4.6	4.0

File endorsements

Quality of endorsements				
	Excellent	Good	Fair	Poor
Magistrates' courts file endorsements	0	25 (73.5%)	9 (26.5%)	0
Crown Court file endorsements	0	32 (80.0%)	6 (15.0%)	2 (5%)
Magistrates' courts CMS recording	0	31 (81.6%)	7 (18.4%)	0
Crown Court CMS recording	0	37 (92.5%)	3 (7.5%)	0

Chapter 5: Serious violent and sexual offences and hate crime**Sensitive case outcomes**

Unsuccessful outcomes					
	National target	2008-09 Area	National	2009-10 Area	National
Violence against women	28%	31.7%	28.1%	30.2%	28.2%
Rape	41%	60.9%	42.3%	28.6%	40.6%
Domestic violence	28%	31.6%	27.8%	31.7%	28.0%
Sexual offences	28%	22.0%	24.9%	11.9%	24.0%
Hate crime: combined racist, religious, homophobic and disability	18%	15.6%	18.0%	10.4%	18.1%

Chapter 6: Disclosure of unused material

In May 2008 HMCPSI published a thematic review of the duties of disclosure of unused material undertaken by CPS. Below is a comparative of the Area performance and the findings of that review.

Disclosure rates	Overall findings in thematic review 2008	Area performance in this inspection
Initial (or primary) disclosure dealt with properly in magistrates' court cases	55%	100%
Continuing (or secondary) disclosure dealt with properly in magistrates' court cases	81.8%	100%*
Initial (or primary) disclosure dealt with properly in Crown Court cases	57.5%	90%
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	69.7%	90.6%
Disclosure of sensitive material dealt with properly in magistrates' court cases	26.7%	0%*
Disclosure of sensitive material dealt with properly in Crown Court cases	54.5%	64.3%

* One case

D Area inspection framework

Standards and criteria

1 Pre-charge advice and decisions

Standard: Pre-charge advice and decisions are of high quality and contribute to improved casework outcomes, and are delivered efficiently and in a way that meets the circumstances of the case.

Criteria 1A: The quality of decision-making contributes to improving casework outcomes.

Criteria 1B: Pre-charge decision-making processes are effective and efficient.

2 Decision-making, preparation and progression in magistrates' courts cases

Standard: Magistrates' courts cases are reviewed, prepared and managed to high standards so that hearings are effective, and the proportion of successful outcomes increases.

Criteria 2A: Decision-making is of a high quality and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case.

Criteria 2B: Cases are prepared and progressed effectively.

3 Decision-making, preparation and progression in Crown Court cases

Standard: Crown Court cases are continuously reviewed, prepared and managed to high standards, so that hearings are effective, and the proportion of successful outcomes increases.

Criteria 3A: Decision-making is of a high quality and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case.

Criteria 3B: Cases are prepared and progressed effectively.

4 The prosecution of cases at court

Standard: Prosecution advocates are prepared and proactive in prosecuting cases fairly, thoroughly and firmly and ensure that cases progress at all hearings.

Criteria 4A: Advocates are active at court in ensuring cases progress and hearings are effective, and advocacy and case presentation are of a high standard.

5 Serious violent and sexual offences and hate crime

Standard: The Area makes high quality decisions and handles serious violent and sexual offences, and hate crimes effectively.

Criteria 5A: The Area ensures that serious violent and sexual offences and hate crime cases are dealt with to a high standard.

6 Disclosure of unused material

Standard: The Area complies with the prosecution's duties of disclosure of unused material and disclosure is handled scrupulously.

Criteria 6A: There is compliance with the prosecution's duties of disclosure.

7 Custody time limits

Standard: In all cases, custody time limits are adhered to.

Criteria 7A: The Area ensures that all cases with a custody time limit are dealt with appropriately and time limits are adhered to.

8 The service to victims and witnesses

Standard: *The Area considers victims' and witnesses' needs throughout the entirety of the prosecution process, and appropriate support is provided at the right time.*

Criteria 8A: The Area ensures timely and effective consideration and progression of victim and witness needs and the service to victims and witnesses is improving.

9 Managing performance to improve

Standard: *The Area systematically monitors, analyses and reports on performance, and uses performance information to promote continuous improvement and inform future decisions.*

Criteria 9A: Managers understand and are held accountable for performance.

Criteria 9B: There is an effective and proportionate approach to managing locally performance at individual, team and Area level.

Criteria 9C: The Area is committed to managing performance jointly with CJS partners.

10 Managing resources

Standard: *The Area allocates and manages resources to deliver effective performance and provide value for money.*

Criteria 10A: The Area seeks to achieve value for money, and operates within budget.

Criteria 10B: All Area staff are deployed efficiently.

11 Leadership and management

Standard: *Senior managers engage with and inspire CPS staff and CJS partners to achieve Area and national objectives, and drive performance improvements and change.*

Criteria 11A: The management team has a clear understanding of what needs to be delivered to meet CPS and CJS priorities, underpinned by effective planning and change management.

Criteria 11B: The management team communicates the vision, values and direction of the Area well.

Criteria 11C: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies.

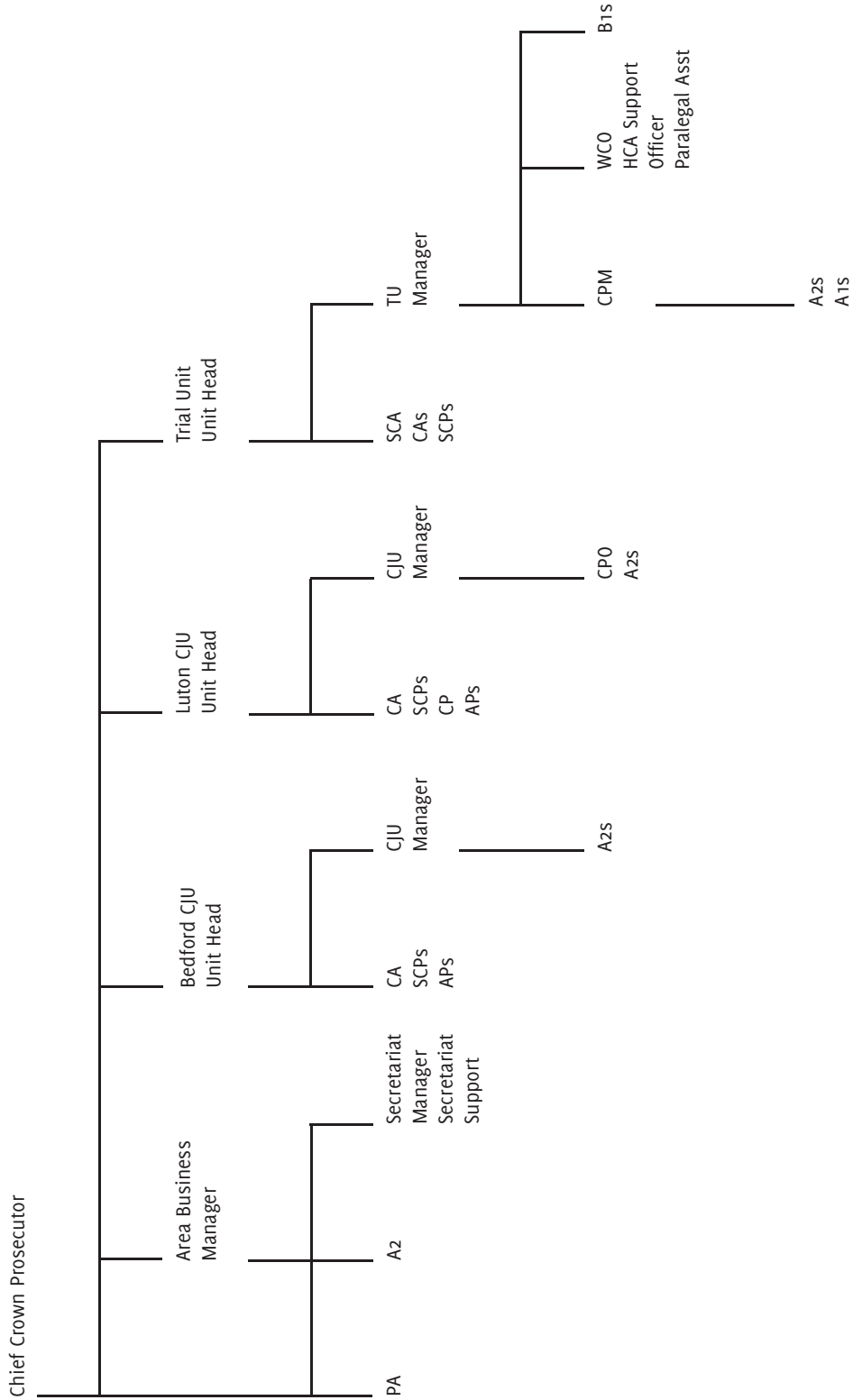
12 Partnership working and community confidence

Standard: *The CPS is engaging positively and effectively with the agencies it works with and communities it serves.*

Criteria 12A: The Area is committed to engaging with partners and jointly improving levels of service.

Criteria 12B: The Area is working proactively to secure the confidence of the community.

E Organisation chart



F Casework performance data

Caseloads and outcomes for the 12 months ending 31 March 2010

	Bedfordshire number	Percentage	National* number	Percentage
1 Magistrates' courts – types of case				
Pre-charge decision	5,629	36.1	473,235	32.3
Advice	0	0	165	0.01
Summary	5,831	37.4	565,592	38.7
Either way and indictable	4,106	26.4	421,057	28.8
Other proceedings	12	0.08	3,302	0.2
Total	15,578	100	1,463,351	100
2 Magistrates' courts – completed cases				
Discontinuances and bindovers	841	9.6	78,901	9.0
Warrants	118	1.3	12,138	1.4
Dismissed no case to answer	22	0.2	1,605	0.2
Acquittals after trial	257	2.9	20,322	2.3
Discharged	12	0.1	2,252	0.3
Total unsuccessful outcomes	1,250	14.2	115,218	13.2
Convictions	7,551	85.8	757,349	86.8
Total	8,801	100	872,567	100
<i>Committed for trial in the Crown Court</i>				
3 Magistrates' courts – case results				
Guilty pleas	5,140	65.6	589,789	75.7
Proofs in absence	1,876	24.0	133,844	17.2
Convictions after trial	535	6.8	33,716	4.3
Acquittals after trial	257	3.3	20,322	2.6
Acquittals: no case to answer	22	0.3	1,605	0.2
Total	7,830	100	779,276	100
4 Crown Court – types of case				
Indictable only	430	30.7	40,651	28.4
Either way: defence election	70	5.0	9,170	6.4
Either way: magistrates' direction	530	37.9	59,729	41.7
Summary: appeals; committals for sentence	370	26.4	33,646	23.5
Total	1,400	100	143,196	100
5 Crown Court – completed cases				
Judge ordered acquittals and bindovers	85	8.3	12,814	11.7
Warrants	10	1.0	1,113	1.0
Judge directed acquittals	13	1.3	1,041	1.0
Acquittals after trial	68	6.6	6,288	5.7
Total unsuccessful outcomes	176	17.1	21,256	19.4
Convictions	854	82.9	88,289	80.6
Total	1,030	100	109,545	100
6 Crown Court – case results				
Guilty pleas	753	80.5	80,499	84.2
Convictions after trial	101	10.8	7,790	8.1
Acquittals after trial	68	7.3	6,288	6.6
Judge directed acquittals	13	1.4	1,041	1.1
Total	935	100	95,618	100

* The 42 Areas and CPS Direct

G Resources and caseloads

Area caseload/staffing CPS Bedfordshire	April 2010	September 2006
Staff in post	66.7	61.5
Lawyers in post (excluding CCP)	26.9	22.7
Pre-charge decisions/advices per lawyer (excluding CCP)	209.3	255.1
Associate prosecutors in post	4.8	2
Magistrates' courts cases per lawyer and associate prosecutor (excluding CCP)	313.8	435
Magistrates' courts contested trials per lawyer (excluding CCP)	30.3	42.7
Committals for trial and sent cases per lawyer (excluding CCP)	42.2	37.9
Crown Court contested trials per lawyer (excluding CCP)	6.8 ⁸	9.4
Level B1, B2, B3 caseworkers in post (excluding associate prosecutors)	11.1	12.4
Committals for trial and sent cases per level B caseworker	102.3	69.4
Crown Court contested trials per level B caseworker	16.4	17.3
Level A1/2 staff in post	22.5	22.4
Cases per level A staff member	692.4	738
Running costs (non-ring fenced)	3,363,806	2,752,113

NB: Caseload data represents an annual figure for each relevant member of staff. Crown Court cases are counted within the magistrates' courts cases total. Where the advice is that proceedings should be instituted, that case will also be included as a summary/either way/indictable case in the statistics relating to the magistrates' courts or the Crown Court as appropriate.

⁸ This figure does not take into account the fact that crown advocates do not have any personal caseload.

H Total number of files examined for CPS Bedfordshire

	Number of files examined
Finalised files	
Magistrates' courts	
<i>Magistrates' courts (subject to PCD)</i>	
Guilty pleas	6
Convictions after trial (including 3 youth cases)	8
Acquittals after trial (including 2 youth cases)	7
Discontinued	14
No case to answer	1
Discharged committals	0
	36
<i>Magistrates' courts (non-PCD)</i>	
Guilty plea	0
Convictions after trial	1
Acquittals after trial	2
Discontinued	1
No case to answer	1
	5
Crown Court	
Guilty pleas	8
Judge ordered acquittals	12
Judge directed acquittals	3
Convictions after trial	9
Acquittals after trial	9
Total	41

I Local representatives of criminal justice agencies and organisations who assisted in our inspection

Crown Court

His Honour Judge Bevan QC

Magistrates' courts

District Judge Leigh-Smith

District Judge Mellanby

Mr K Ford, JP, Chair of Luton Youth Bench

Ms J Shipman, JP, Chair of Bedford Bench

Ms H Sismey-Durrant JP

Mr R Collis JP

Her Majesty's Courts Service

Mr M Stewart, Head of HMCS Operations
Bedfordshire and Hertfordshire

Mr D Gibbs, Clerk to the Justices

Miss J Matthews, Luton Crown Court

Mrs N Robinson-Chatterley, Luton Crown Court

Mrs S Sondh, Luton Crown Court

Police

Mrs G Parker, Chief Constable

Chief Superintendent A Street

Detective Chief Inspector M Upex

Defence solicitors

Mr N Titchener

Counsel

Mr W Noble

Mr C Donnellan QC

Victim Support

Mr D Padgett, Divisional Manager

Witness Service

Ms Z Anwar, Witness Service Co-ordinator

Community Safety Partnerships

Ms N Perry, Partnership Manager, Luton CSP

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