

THE INSPECTORATE'S REPORT ON CASEWORK DIRECTORATE

REPORT 15/02

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) was established by the Crown Prosecution Service Inspectorate Act 2000, which came into effect on 1 October 2000, as an independent statutory body. Previously, the Inspectorate had been a unit within the Crown Prosecution Service (CPS) Headquarters. The Chief Inspector is appointed by and reports to the Attorney General.

HMCPSI's role is to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice. It achieves this primarily through an Area inspection programme operating a two-year cycle during which it visits and publishes reports on each of the 42 CPS Areas and the Casework and Policy Directorates at CPS Headquarters. It also maintains a programme of thematic reviews and each year conducts a number of inspections jointly with other criminal justice inspectorates.

Although the inspection process focuses mainly on the quality of casework decision making and casework handling, the Inspectorate also looks at matters that go to support the casework process. Business management inspectors are specialists in the fields of management, human and financial resources, and corporate planning; they examine aspects of the Areas' performance based on themes relating to management and operations; these are in addition to the more casework-orientated themes that are examined by legal inspectors.

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

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

The Inspectorate's reports commend high quality work, identify good practice and make suggestions and recommendations where CPS performance needs to be improved. The distinction between recommendations and suggestions lies in the degree of priority that HMCPSI considers should be attached to the proposals, with those matters meriting highest priority forming the basis of recommendations.

INTRODUCTION

- 1.1 This is HMCPSI's report about CPS Casework Directorate. Casework Directorate is part of CPS Headquarters and deals with the range of casework which, by virtue of its importance, sensitivity, complexity or specialist nature, is unsuitable for handling by CPS Areas.
- 1.2 In 1986, when the CPS was established, the Directorate (then known as Headquarters Casework) was created to handle (with one or two exceptions) those cases which had previously been dealt with by the former Director of Public Prosecutions' Department. In 1995, following a CPS internal review, Headquarters Casework was restructured and became known as Central Casework. Following the Review of CPS by Sir Iain Glidewell in 1998 (the Glidewell Review), the Directorate took on its current structure and name. The present Director, Casework was appointed at the beginning of 1999, although he had a long previous association with the Directorate.
- 1.3 The report of the Glidewell Review viewed Central Casework's role as absolutely vital and envisaged it being enhanced because of the increase in serious international crime and the incorporation into UK legislation of the European Court of Human Rights (ECHR). Glidewell's view was of Central Casework as a centre of excellence with an enhanced capability and an effective case management system as a top priority. The report recommended that central Casework should be an integral part of Headquarters with its Director reporting to the Director of Public Prosecutions (DPP).
- 1.4 Central Casework was the subject of an inspection in February and March 1999 and the report was published in July 1999. Although the process of implementation of the Glidewell Review had commenced and was referred to in the Inspectorate's report, it was too soon at that time to make any assessment of progress. This report, however considers how the Directorate has approached implementation of the proposals and recommendations of the two reviews.

The work of Casework Directorate

- 1.5 The Directorate, unlike individual Areas, takes work from all police forces and some cases are referred from other Government departments. Some of its work relates to the handling of specific aspects of a case which require specialism (for example extradition) with the case itself being handled by a CPS Area. This raises issues of liaison and relationships with other agencies different from those encountered in Area inspections.
- 1.6 The very nature of its work has led to the expectation of its being a "centre of excellence" appropriately staffed by lawyers and caseworkers of the highest calibre. The specialised nature of the Directorate's casework imports special considerations to this inspection which are dealt with in this report.

1.7 The Directorate's core business, as with CPS Areas, is its casework. Statistical data relating to its work, however, does not give rise to easy comparison with that of a CPS Area. The range of work undertaken by the Directorate means that a higher percentage of cases involve decisions on complex issues, and judicial rulings are likely to affect the progress of cases. Allegations of serious police misconduct, for example, often involve some witnesses whose background makes the question of their reliability more significant. Similarly cases which are properly prosecuted to test the boundaries of developing law run a greater risk of failure. For these reasons, this report does not rely heavily on statistical data and avoids comparisons with data relating to performance of CPS Areas.

The structure of the Directorate

1.8 CPS Casework Directorate is headed by the Director, Casework and is divided into three Divisions, two of which are in London, the other being based in York and Birmingham. Each Division is led by a Head of Division at Senior Civil Service (SCS) level. A fourth member of the SCS handles special casework projects. A central Secretariat based in London provides support to all three Divisions on matters including budget, personnel issues, accommodation, performance management, training and other support functions. The secretariat comprises the Business Manager and 12.7 other staff

1.9 In December 2001, when our inspection commenced, the Directorate employed 166.9 staff. These comprised the Director, three Heads of Division and one Special Projects lawyer, two accountants, the Business Manager and 12.7 other Secretariat staff. The remaining staff are as follows (expressed as full time equivalent):

Branch	Lawyers	Caseworkers	Administrative staff
Central Confiscation Branch	10.9	8	8.8
London Branch 1	7.4	9.8	5
London Branch 2	11.8	10	4.6
London Branch 3	12.6	11.3	7.2
York Branch 1	7	6	4.6
York Branch 2	6	6	5.2
Birmingham	1	2	1

At the time of writing this report, one accountant has left the Directorate and further staff have been recruited to the Birmingham office.

- 1.10 We set out below the Divisional structure showing the division of work between Branches. Police complaint cases relate to allegations of a criminal offence against a serving police officer. Many less serious cases were devolved to Areas some time ago, so that references to police complaints involve particularly serious allegations against police officers, allegations against officers in senior ranks, or allegations against officers who serve in more than one CPS Area, for example those in British Transport Police or Ministry of Defence Police which are national forces organised on a regional basis.
- 1.11 London and York (including Birmingham) Divisions take cases from specifically assigned police forces. London Branches share responsibility for some categories of casework on an alphabetical basis according to the surname of the defendant. This arrangement is, however, flexible subject to Branch commitments. Allocation of cases within York is determined by joint consultation between the two BCPs.

London Division 1	CCB	Responsibility for the following aspects of confiscation proceedings: * Interlocutory and enforcement applications in the Civil Division of the High Court * Letters of request * Advice to the police and CPS Areas * Acting on behalf of foreign Governments in external restraint and confiscation requests
	LB1	* Disaster cases * Euthanasia * Hijacking * Terrorism * Race hatred * War crimes * Prosecutions under the Official Secrets Act * Police complaints, ie allegations of criminal offences against police officers
London Division 2	LB2	Criminal Cases Review Commission * Corporate manslaughter * Election offences * Extradition cases * Letters of request * Obscene publications * Fraud * Medical manslaughter * Police complaints * Unduly lenient sentence cases
	LB3	Appellate work * Corporate manslaughter * Election offences * Extradition cases * Letters of request * Obscene publications * Fraud * Medical manslaughter * Police complaints * Unduly lenient sentence cases
York Division	YB1 YB2 Birmingham	Corporate manslaughter * Disaster cases * Election offences * Euthanasia * Fraud * Letters of request * Medical manslaughter * Police complaints

- 1.12 Birmingham Branch was established at the end of 2001 and at the time of this inspection was still recruiting staff. Until recently, it was assisting both London and York by handling some of their cases. In June 2002, Birmingham Branch began taking cases from police forces for which it had been assigned responsibility.

- 1.13 The chart at paragraph 1.11 shows the largely specialist nature of the Directorate's work. Within the list of cases are two broad categories of proceedings – those which relate to providing advice upon, and the prosecution of, criminal charges and those which represent proceedings which are ancillary to the prosecution of criminal cases, such as letters of request, referrals of unduly lenient sentences to the Attorney General and extradition proceedings.
- 1.14 We acknowledge that cases within the former category involving allegations of terrorism, medical manslaughter and medical negligence, racial hatred and disaster cases represent some of the most challenging, complex, sensitive, high-profile and resource-intensive casework for the Directorate. File examination has shown that these are dealt with competently and expertly by appropriately experienced lawyers and raised no special issues of concern. We, therefore, have not felt it necessary (with two exceptions referred to in the following paragraph) to deal separately with each type in this report. They are covered at chapters 2 and 3.
- 1.15 The second category of cases, we feel, are sufficiently distinct to merit special reference and we do this at chapter 4. Each of these types of case raised particular issues which required separate reporting.
- 1.16 The Directorate also has a responsibility to consider cases which involve the death of a person detained in custody. Such is the seriousness with which such cases are regarded that they must be dealt with by a lawyer at SCS level. The handling of these cases is, however, currently the subject of a review being undertaken on behalf of the Attorney General. For that reason we have not considered any files involving a death in custody, although we recognise the significant amount of resources which are devoted to such cases.

Caseload

- 1.17 In the year ending 31 March 2002, the Directorate dealt with 2,313 cases. The following table shows the numbers within each category:

Central Confiscation Branch	287
Fraud	62
International, Civil and Appellate	1,237
Indecent Publications	59
Police Complaints	402
Prosecutions	208
Safeguard	3
Vetting Unit *	54
War Crimes	1
Total	2,313

* The Vetting Unit no longer exists as a separate unit. It previously considered, in conjunction with the Insolvency Service, cases against the Directors of liquidated companies. Following a change in legislation, the work transferred completely to the Insolvency Service in April 2001, although some cases, which commenced before then, remain ongoing. The transfer of work was accompanied by a corresponding transfer of staff and budget.

- 1.18 The chart at Annex 1 gives a more comprehensive breakdown of cases registered and finalised in the last three years. It shows an overall gradual reduction in cases being referred to the Directorate but it is important to bear in mind that case numbers alone do not give a true indication of workload. Although case numbers may have fallen, cases now submitted to the Directorate are considered to present even more difficult, challenging and resource-intensive issues.

The inspection process

- 1.19 The inspection process was overseen by a joint steering group of senior Directorate managers and members of the Inspectorate. The steering group agreed the scope of the inspection and determined the methodology which would be used. The methodology combined examination of 324 cases and interviews with members of Directorate staff at all levels, criminal law practitioners and representatives of the criminal justice agencies who have dealings with the Directorate. Details of the file sample are at Annex 2 and a list of people other than Directorate staff who were interviewed is at Annex 3. However, the special role of the Directorate within CPS meant that a different approach towards selection of files and interviewees outside the Directorate had to be adopted.
- 1.20 In Area inspections, the basis of the file sample is case outcomes. Our principal aim in relation to the Directorate was to ensure that we examined casework decisions and the decision-making processes in each of the categories of cases dealt with, as well as the management of those cases. We sought, therefore, with the exception of police complaints and CCB cases, to examine at least ten files in each such category, comprising cases which were the subject of advice to the police only and those where proceedings had followed which had been conducted by the Directorate. In some instances, as the chart at Annex 2 shows, the rarity of cases meant the Directorate had dealt with fewer than ten files in the relevant period. In other instances more than ten files were made available to us. In some categories, for example police complaints, medical and corporate manslaughter, we considered the application of the tests in the Code for Crown Prosecutors and the quality of casework processes. In other cases, such as letters of request and unduly lenient sentence referrals to the Attorney General, we considered aspects of the case peculiar to the specific category.
- 1.21 Appropriate local representatives of other criminal justice agencies, who might have useful information, are easily identified within a CPS Area. This is more difficult in respect of the Directorate. Although it would have been easy to identify a senior police officer, counsel or judge, for example, who had had recent involvement with the recent Directorate, our findings needed to reflect a broader and less focused picture of the Directorate's performance. We approached this in two principal ways.

- 1.22 Firstly, we identified, with the assistance of the Directorate, senior personnel at national level in those criminal justice agencies and organisations which have greatest contact with the Directorate and who could provide information based upon their more frequent dealings and experience of a number of cases. Secondly, and in order to supplement this information, we sent questionnaires to all CCPs and to heads of Police Professional Standards Departments and Financial Investigation Units in all police forces to seek their views on specific aspects of the Directorate's work. In addition, we forwarded separate questionnaires to the Clerks to the Justices in selected magistrates' courts to seek their views on aspects of the work of the Central Confiscation Branch. The findings set out in this report reflect this evidence. The Chief Inspector would like to record his grateful thanks to each of them for responding to the questionnaires and assisting with the inspection.
- 1.23 The inspection team carried out its on site work between 11 February and 12 April 2002. During this time, inspectors interviewed representatives from other criminal justice agencies as well as Directorate staff. The team of six inspectors was greatly assisted throughout the inspection by Tony Knight, a Special Casework Lawyer from CPS Humberside, and Robert Wardle, an Assistant Director at the Serious Fraud Office. Their knowledge and expertise was especially valuable when examining some of the Directorate's more complex and bigger cases, particularly in the area of fraud, and when speaking to Directorate staff and representatives from other criminal justice agencies dealing with specialist aspects of casework. The Chief Inspector is grateful for their efforts and assistance and to CPS Humberside and the SFO for allowing them the time to help with this inspection.

Advocacy

- 1.24 The Directorate's casework provides little opportunity for its lawyers to present cases themselves. Most of its cases are dealt with in the Crown Court and are prosecuted by counsel. The Directorate has some Higher Court Advocates but the nature of their casework does not provide the best opportunity for their deployment.
- 1.25 The principal exception to this is the conduct of extradition proceedings at Bow Street Magistrates' Court. The Directorate's lawyers appear almost on a daily basis to deal with extradition cases at all stages. This, however, is confined to a small number of lawyers and would not allow inspectors to form a representative assessment of the quality of advocacy.

Fraud cases

- 1.26 The inspection of Central Casework in 1999 excluded the handling of fraud cases. Clearly it was appropriate that this aspect of work should also be examined. The Glidewell Report drew attention to the fact that fraud cases, which were not handled by the Serious Fraud Office (SFO), fell to be dealt with either by the Directorate or CPS Areas, according to certain criteria (the Woodcock criteria). Glidewell felt that cases not dealt with by the SFO should all be dealt with by one organisation. It recommended the establishment of groups of Special Casework Lawyers in five or six centres in England and Wales whose responsibilities would include the handling of fraud cases rather than the Directorate. Larger and more complex frauds (which were not sufficiently large to be handled by the SFO) should be dealt with by the London

Special Casework Unit. The CPS response was that Special Casework Lawyers should remain the responsibility of individual Areas and that the existing criteria for determining who dealt with fraud cases should, therefore, remain. The situation which existed prior to the Glidewell report has remained virtually unchanged. The inspection sought to establish that current arrangements ensure that cases are being appropriately considered.

Central Confiscation Branch

- 1.27 Central Confiscation Branch (CCB) was also excluded from the inspection of Central Casework because of the specialist nature of its work and the non-availability of the appropriate expertise within the Inspectorate at that time. Although inspectors were aware that the Proceeds of Crime Act would affect the future of CCB, the timetable for the legislation and its implementation was unsettled at the start of this inspection and could not justify exclusion again of CCB from the inspection of the Directorate. Nevertheless, consideration was at that time being given within CPS Headquarters to proposals for the future of CCB, giving rise to some uncertainty and anxiety amongst staff. A decision has since been made that confiscation work which falls to be dealt with by CPS following implementation of the legislation will be devolved to CPS Areas. The CCB will continue to deal with its existing caseload for an indefinite period and the Directorate will also provide general advice and assistance to Areas in confiscation work. CCB staff will be retained within the Directorate, undertaking new responsibilities principally, but retaining a residual role in providing advice to Areas.
- 1.28 This has affected the way in which we report on the work of CCB. We have been mindful of the importance and specialised nature of this work and the need to reflect the generally high level of performance of the Branch. We have also had regard to the future of the Branch and confiscation work within the CPS and have tried to achieve a balance in the detail of our reporting which takes account of these considerations. Each chapter of this report takes into account performance generally, including that of the CCB. In chapter seven of this report, we deal with those aspects which are exclusive to the work of CCB which could not be reflected properly in the general chapters.
- 1.29 The work of CCB is particularly specialist in that it is exclusively civil and tends to be distinct from the prosecution process. The inspection team included legal inspectors with the appropriate expertise to consider the work of the Branch.

REVIEWING CASES

Introduction

- 2.1 We examined the quality and timeliness of the decision-making at various stages in the progress of the cases within our file sample and some that featured in our onsite observations. Prosecutors are required to take all such decisions in accordance with the principles set out in the Code for Crown Prosecutors (the Code) promulgated by the DPP under section 10, Prosecution of Offences Act 1985. The most fundamental aspect of the Code is the twin criteria for the institution or continuation of proceedings: first, there must be sufficient evidence to afford a realistic prospect of conviction; secondly, the circumstances must be such that a prosecution would be in the public interest. Apart from the Code, there is also specific guidance relating to other issues such as mode of trial.
- 2.2 The decision whether to institute proceedings rests, other than in exceptional circumstances, with the police albeit they may seek advice from the CPS before taking the decision. Following the institution of proceedings, the police submit a file to the CPS that should be subject to initial review to see whether it should be accepted for prosecution. In some cases, this may lead to a decision to terminate the proceedings at the outset. Where a case proceeds, it must be subject to continuous review. The initial assessment may have an element of provisionality about it, especially if it occurs before the police have concluded and submitted the report of an investigation; the evidential position or surrounding circumstances may change during the life of any case and the CPS must respond quickly and positively to review the case again and reassess it.
- 2.3 In Area inspection reports, we distinguish between decisions in cases in which advice is provided to the police and decisions made after a defendant has been charged. Advice cases form the bulk of the Directorate's work. They are generally bigger cases which deal with more complex legal and public interest issues. Whereas with Area casework, advice and review after charge are two separate processes, the distinction is often less obvious with some of the Directorate's casework. The pre-charge stage is often a continuing process of consultation between the Directorate, the police and counsel with the eventual decision to proceed and the commencement of a prosecution being a single phase during that process.

Referral of cases to Casework Directorate

- 2.4 The majority of criminal prosecutions are commenced when the police charge the defendant. An early court date is arranged and the police file is sent to the local CPS office for review and prosecution. Clearly, there are variations to this procedure in cases handled by the Directorate.
- 2.5 Cases may be referred to the Directorate by CPS Areas or by police forces. The CPS nationally has promulgated to Areas, Criteria for Referral to Casework Directorate which were formulated within the Directorate and set out the types of casework which must be handled by the Directorate and the procedures for submission. They are set out in detail in the CPS Prosecution Manual and fall largely into two basic categories –

those which should be referred direct by the police and those to be referred by Areas following submission by the police. Some of the criteria are straightforward and require no interpretation. Others may require a judgment to be made depending on the circumstances of the case. If there is doubt, Area lawyers are advised to seek guidance from the Directorate.

- 2.6 Senior Area lawyers are generally aware of the guidelines, although there is a lesser awareness amongst staff at lower levels. This may result in a complete omission to forward a case to the Directorate or confusion leading to delay. This is sometimes contributed to by conflicting approaches to, and interpretations of, the guidelines within the Directorate itself and has led to instances where cases have been submitted to the Directorate when proceedings are already under way, and often prompted by some particular difficulty which has led the Area to seek advice. There have been other instances where the Directorate has called for cases to be submitted after becoming aware of them through the national or local media.
- 2.7 The situation is exacerbated by the fact that it is some time since the Guidelines were promulgated generally to police forces. Police Professional Standards Departments, which deal with allegations of criminal offences against police officers, are aware of the requirement for certain cases to be handled by the Directorate. They regularly submit these direct in appropriate cases, in accordance with the Guidelines, without referral to the local Area office. Some other police officers have some awareness through their experience of dealing with the Directorate in other cases. Otherwise, knowledge of the guidelines may have faded and become limited. This has led to cases being investigated and submitted to the local Area before eventual transfer to the Directorate with consequent delay and possible prejudice to the conduct of the prosecution.
- 2.8 A number of initiatives has been undertaken within the Directorate to create a greater awareness within Areas of the referral Guidelines. Some of these have been organised centrally and others have been undertaken locally in response to a particular problem. Confusion and late submission of cases persists, although there are far fewer than there were some three or four years ago. The referral Guidelines acknowledge that some cases which should be sent direct to the Directorate are passed to the local Area office for initial consideration. Where this occurs, the Directorate is to be notified immediately so that a decision about who will handle the case can be made without delay.
- 2.9 We suggest that the Directorate should consider methods of promulgating the Casework Referral Guidelines to police forces to ensure that cases are referred promptly by the police, either to the Directorate or to the local CPS office as appropriate, and that progress of cases is not delayed or otherwise prejudiced.**

Allocation of cases within the Directorate

- 2.10 Cases are usually allocated to lawyers by the Branch Crown Prosecutor (BCP) after they have been registered on the Directorate's case management system (CAMS). The Directorate aims to register cases within 24 hours of receipt. CAMS generates an acknowledgement letter which is sent to the Area or police force concerned.

- 2.11 We have referred earlier at paragraph 1.11 to the system of allocation of cases to Directorate Divisions and to Branches within Divisions. Although the alphabetical split of casework according to the surname of the defendant may seem, on first consideration, a sound basis for allocation, it can lead to imbalances which are more pronounced because of the relatively small number of cases. The alphabetical split, which operates only in the London Divisions is only a guideline which is not rigidly applied where it is clear that work on a Branch needs to be adjusted.
- 2.12 The system of allocation within Branches is more informal than structured. It attempts to take account of the specialisms of lawyers, the complexity and sensitivity of cases and the caseload of individual lawyers. Although there is usually more than one lawyer capable of handling individual specialisms, some are inevitably more experienced than others and this has led to an occasional imbalance in workload. Additionally, the nature of the work and size of some cases makes it difficult to achieve a balanced allocation and to make subsequent adjustments to the distribution of further work. We have also been told of instances where police officers, used to dealing with the Directorate, contact a lawyer direct in an attempt to ensure that lawyer will handle their case. The Directorate needs to deal with this as it arises to ensure that it does not contribute to any overburdening of lawyers.
- 2.13 One BCP uses an allocation book to monitor the monthly allocation to each lawyer, whilst another records all allocated cases in a diary. Where there is an overlap of work between Branches, BCPs will discuss respective workloads before allocating cases.
- 2.14 We recommend that the system of file allocation should be reviewed to ensure a more even distribution of work. BCPs should regularly monitor the caseloads of individual lawyers and caseworkers.**
- 2.15 Once allocated, the principle is that the lawyer will deal with the case until it is concluded. Some cases, however, continue for long periods, making some changes in ownership inevitable. Lawyers prepare a monthly report for the BCP on their current cases and these provide some means of monitoring workload. In one Branch, they are also used to plan resources.
- 2.16 An A2 caseworker is allocated to the case at the same time as the lawyer. Sometimes, a B1 caseworker is also assigned if the case is likely to proceed to prosecution. The caseworker manager allocates cases according to the same principles relating to lawyer allocation. The lawyer and caseworker are responsible for ensuring that deadlines are adhered to in respect of their cases, for example compliance with orders and directions

Quality of review

- 2.17 The Directorate's work presents some challenging and difficult issues which are, for the most part, dealt with competently and professionally by lawyers and caseworkers. Directorate lawyers scrutinise the evidence in cases very closely before making a decision. Although they may seek advice from counsel, they rightly regard the decision as their responsibility. Lawyers often consult each other informally before a final decision is taken. Cases are presented confidently reflecting the level of consideration they have received. Senior representatives of other criminal justice agencies are complimentary about the quality of review. Others have mentioned occasional inconsistencies between individual lawyers, but the overwhelming view is of a consistent approach to the application of the Code tests.

- 2.18 We examined 99 files to assess the quality of the review decision. Seventy of these were cases in which advice was provided to the police. The remaining 29 cases related to the Directorate's decision in respect of the prosecution of the case in the courts.
- 2.19 We considered that the Code tests had been correctly applied in 96 of the 99 cases we examined (97%). We disagreed with the decision on evidential grounds in one of these cases. We felt that insufficient weight was given to circumstantial evidence which supported the complainant's allegation, and apparent inconsistencies in the evidence were over-emphasised.
- 2.20 We disagreed with the remaining two decisions on public interest grounds. Both cases concerned allegations against police officers. One was alleged to have used his position to obtain confidential information for his own ends. We felt that the public interest considerations referred to in the lawyer's review note were insufficient to outweigh the abuse of the officer's position. The second case concerned an alleged offence of dishonesty in respect of the officer's financial arrangements with his estranged wife. Again, we felt that the evidence and the nature of the offence outweighed all other factors.
- 2.21 Cases proceeded on the correct charges in all but one of the 29 relevant cases we examined, although often, there is little scope for alternatives. In addition, counsel frequently advise on the charges so that amended charges or indictments are rare. Generally, review including advice provided to the police in all aspects of casework is good and is highly valued. Responses are often more detailed in cases other than police complaints. There is a perception, however, that there are different levels of experience in some specialisms and the quality of advice can sometimes vary. There are particular concerns amongst senior police officers that expertise in computer crime is not keeping pace with that of other agencies, particularly the defence. The quality of advice in specialist cases generally, however, or on special aspects of evidence, for example the use of covert investigation techniques, is particularly good and well regarded by special police squads.

Review endorsements and review notes

- 2.22 Once a case has been reviewed, lawyers are required to record their considerations in writing setting out the reasons for their decision and the factors taken into account. The principal reasons for this requirement are to focus the reviewing lawyer on the issues in the case and to provide a detailed explanation for any other lawyer who may have to take over responsibility for its handling at a later stage. The review note also demonstrates that the lawyer has given proper consideration to the issues if a decision is challenged by way of judicial review. They are not generally sent to the police when the decision is communicated to them, although some lawyers may do so if they feel the circumstances in an individual case justify doing so.
- 2.23 The general quality of review notes is excellent and reflects the detailed review and depth of consideration given to cases by Directorate lawyers. We **commend** the Directorate for this. The following table shows the standard of review notes in the 93 cases in our file sample where we were able to make an assessment.

Standard	Review notes
1 = significantly above average	13
2 = above average	35
3 = average	31
4 = below average	11
5 = significantly below average	3

- 2.24 BCPs look at a sample of each lawyer’s review notes to monitor the quality of the review as well as the review notes themselves. Generally, there are no concerns about the quality.

Application of the public interest test

- 2.25 Directorate lawyers apply the Code in deciding whether a prosecution is in the public interest. However, the nature of some aspects of their casework imports considerations which are specific to those cases. This can lead to tensions in some instances between what the normal perception of the public interest is and the additional considerations peculiar to the circumstances of the case. This is particularly relevant in dealing with cases against public officials, for example police officers. The Code rightly views misconduct by police officers as very serious and this factor gives an added impetus to prosecution. However, the degree of criminality involved in allegations against police officers varies greatly. Although current guidance says that police internal disciplinary procedures should not be seen as an alternative to prosecution, they can, in some cases, provide an appropriate means of dealing with allegations against police officers. Our file sample revealed some examples where this factor had received some consideration.
- 2.26 There are often perceived to be great pressures to put the public interest before evidence in some high profile cases where the law is still developing and is less certain, for example cases in which corporate manslaughter is alleged. Directorate lawyers and managers are aware of this and feel able to resist any pressures. Any decision that a prosecution is not in the public interest must be sanctioned by the BCP. Files do not always contain evidence of compliance in this respect.

Timeliness of review

- 2.27 The CPS generally has set a target of providing advice to the police within 14 days of receipt of the full file from the police. The nature of the Directorate’s casework make such a target unrealistic. It has, therefore agreed a target of 28 days for providing advice in police complaints cases and 42 days in respect of other case categories. Even then, the complexity of many cases and the volume of evidence take them outside these guidelines. In such instances, case progress is closely monitored between the lawyer and the BCP to ensure that it proceeds without delay. Case progress is referred to in monthly casework reports to the BCP and Divisional Head. Effective case management in these cases is often subject to outside influences, such as the need to seek advice from counsel or to obtain the evidence of an expert. The volume of evidence and complexity of the issues does not, however, induce a leisurely process of review. Reviewing lawyers are ever conscious of the need to ensure that cases progress quickly at all stages.

- 2.28 We measured the timeliness of review in those cases in which advice had been provided to the police. We considered that it was timely in all but 11 of 70 relevant cases. Timeliness is often affected by other external influences as well as those mentioned in the previous paragraph. Areas sometimes keep certain categories of case longer than they should before referral to the Directorate, so that the overall response time is longer than would be otherwise necessary. We examined one case which was retained by the local CPS office for some five months before it was eventually transferred to the Directorate. During that period little progress had been made. The case had been with a senior Area lawyer for most of the time with nothing being done by way of review of the evidence. Shortly after transfer to the Directorate, proceedings were discontinued following the receipt of further evidence.
- 2.29 The perception of external agencies about timeliness varies. The police, particularly some specialist squads, often encounter situations in which they would like prompt advice on basic information at an early stage to determine whether an investigation should be pursued. Directorate lawyers are keen to assist in this regard. There is, occasionally, a reluctance to assist until an investigation has progressed and more evidence is available. This is unusual, however, and depends on the particular circumstances of an individual case. It is due to a combination of wanting to ensure a greater accuracy in advice and not wanting to be seen to be directing an investigation.
- 2.30 There are also problems caused by the length of investigations. Advice is often sought at various stages and promptness of response can be a problem at every stage. Sometimes cases may be handled by more than one lawyer at different stages. We were also told that late advice often leads to defendants, who have been bailed for up to three months pending advice from the Directorate, having to be re-bailed.
- 2.31 We also have some concerns that, in some Branches if not all, there is an artificiality in the way that timeliness is calculated in respect of a full file in cases which are sent to counsel for advice. In one office at least, a minute was sent to staff explaining that time should be taken to run from the day on which counsel's review note was created rather than the day on which the Directorate receives the file. Timeliness of review is an important measure of performance which can only be improved if managers receive accurate information.
- 2.32 We recommend that guidance should be issued setting out the criteria which determine the point at which a full file of evidence is to be treated as submitted to ensure a consistent approach in monitoring the timeliness of review.**
- 2.33 There is an acknowledgment by Directorate senior managers that time guidelines are not always complied with. Advice is regarded as a priority but it frequently has to give way to more urgent issues. There is some informal monitoring of timeliness. CAMS, the Directorate's case management system produces printouts showing the state of case progress and caseworkers remind lawyers.
- 2.34 Directorate lawyers are mindful of their obligation to give prompt advice. If they cannot keep to the guidelines, they ensure that the police are kept informed. The police would like to see this developed so that there is greater liaison between them and the Directorate to resolve issues of timeliness generally as well as in individual cases.

Informal advice

- 2.35 The Directorate encourages informal requests for advice. Lawyers prefer to be involved in cases at an early stage of the investigation whenever possible. This gives them the opportunity to advise on evidence and the way in which any file should be assembled. Past experience has shown that such early involvement will often prevent problems at a later stage.
- 2.36 Some of the uncertainties about the Directorate's role and responsibilities generate many telephone calls about casework, many of which lead to advice being given on legal issues. In addition, Directorate lawyers frequently receive telephone calls from Areas or from the police seeking advice on sufficiency of evidence. Sometimes this may relate to a specific aspect of a case already being considered. Lawyers are happy to give such informal advice if it is appropriate and the police regard it as a helpful service. Often, however, it will result in a request for a file to be submitted.
- 2.37 There is a system within the Directorate for recording informal advice which requires the lawyer to make a note of it so that it can then be entered within the performance indicators (PIs). This is not used as frequently as occasion arises. This issue was specifically referred to in the Inspectorate's report on Central Casework which contained a recommendation that accurate records of telephone advice should be maintained and properly collated. Branch managers acknowledge that informal advice is not always recorded, although we are told that the situation has improved since the last inspection report. We do not seek to make a further recommendation in this report since we are satisfied that the issue is being addressed, although greater efforts need, perhaps to be made in this respect. We do, however, re-emphasise here the importance of maintaining accurate records of informal advice in relation to the assessment of actual caseload and certainty about the nature of advice given.

Advice from counsel before charge

- 2.38 The complex and sensitive nature of the Directorate's caseload means that counsel is often consulted for advice before proceedings commence, although the expertise of the Directorate lawyer remains a significant factor in the decision-making process. The Directorate's PIs show that counsel's advice was obtained on legal decisions in 15.5% of cases in the year ending 31 December 2001 (including cases sent to counsel because of lawyer shortages referred to at paragraph 2.43). This represents a slight increase for the figure at the end of the year ending 31 March 1999 referred to in the Inspectorate's report on Central Casework.
- 2.39 The following table shows the percentages for individual Branches. The figures predate the opening of the Birmingham office.

Branch	LB1	LB2	LB3	YB1	YB2
Percentage	23.2	29	14.5	9.1	20.2

- 2.40 In some cases, it is more beneficial to have counsel involved at an early stage so that the future management and direction of the case can be agreed upon. Counsel may be asked to advise in some high profile cases where the evidence presents considerations of particular difficulty and sensitivity. In all instances, the lawyer and caseworker work closely with counsel and their views and experience remain significant factors in the decision.

- 2.41 There have been some cases in the past in which the police have wanted counsel to be involved at an early stage to provide advice but the Directorate have not considered this to be necessary. We have been told of rare instances in which it has been felt that this has had a prejudicial effect on case progress, but usually issues are satisfactorily resolved. The Directorate is keen to have counsel involved in cases as soon as possible where such involvement is appropriate and will assist later stages of the case.
- 2.42 The BCP is consulted before counsel is instructed to give advice before charge. One Branch maintains a register of all cases sent to counsel for initial review advice. This allows them, not only to monitor the numbers, but to maintain a separate record of fees involved for budgetary purposes.
- 2.43 A shortage of lawyers in York has recently led to a high proportion of police complaints cases being sent to counsel for advice. Advice has generally been sought from counsel in particular sets of chambers in the larger cities such as Manchester, Birmingham, Leeds and Liverpool. The Directorate's arrangement with chambers means that instructions are sent generally to a particular set and the clerk allocates to counsel approved by the Directorate. Counsel who gives initial advice will not necessarily be instructed to conduct any subsequent proceedings.
- 2.44 Coincidentally, this was the situation in York at the time of the inspection of Central Casework. In the current instance, it has been largely restricted to cases with no perceived complex issues and which were unlikely to proceed. This does not, however, completely absolve Directorate lawyers from the duty of reviewing cases since they need to check the advice and prepare a review note before responding to the police. Review notes in such cases tend to be briefer than usual, although file examination showed some variations. Some were relatively brief but others were quite detailed and indicated a considered review of the file by the lawyer. This issue too was raised in the earlier inspection report in which it was recommended that the number of such cases be monitored and the evidence be considered in the light of the advice tendered by counsel. Clearly, this appears to have been done, though the extent of consideration may have varied. We were told, at the time of our inspection, that the problem had abated. If the situation should recur, however temporary, Branch managers will no doubt seek to apply a consistent approach.

Communication with Areas on case progress

- 2.45 Cases may be referred to the Directorate by the Area in which the case arises or by the police direct. Once a case is taken over by the Directorate, we are told that there is usually very little communication about case progress with the Area in which the case is being dealt. Sometimes, Areas are aware of events only through local press reports. Directorate staff acknowledge this and say that the reason is that the Area has no further direct interest in the case, although the Directorate may sometimes ask the Area to act as its agent in respect of a remand hearing in the magistrates' court.
- 2.46 When a defendant is charged by the police in a case being handled by the Directorate and in which it has advised proceedings, the Directorate does not always immediately notify the court that it, rather than the local CPS Area, is dealing with the case. This often causes unnecessary enquiries by the court to the local CPS office and can involve that office in unnecessary work trying to locate a file to deal with an enquiry in a case it is not handling.

2.47 Area staff have told us that they frequently have difficulty in contacting Directorate staff. Voicemail messages are often not returned.

Communication with the police on case progress

2.48 Although the police and the Directorate generally have regular contact as cases progress, the degree of communication during the initial decision phase could be improved by issuing more regular progress reports. The decision phase in some cases can be quite long and is a particularly stressful time for those who are subject of an investigation. In police complaints cases and other cases involving officials of an organisation, those under investigation may be suspended from duty and have the additional stress of waiting for a decision which will affect their future. In an extreme case, the decision in a case involving allegations against a police officer took nine months and followed several telephone calls and correspondence from the Deputy Chief Constable of the police force concerned.

2.49 In cases where a decision is made not to prosecute, the police are sent, in most cases, a short explanation of the reasons for the decision, even though a thorough and detailed review of the case papers has been carried out and a thorough and comprehensive review note prepared. It is true that in some cases, the review process has involved regular communication, including case conferences, with the police. These are, however, in a minority. Although the police accept the decision of the Directorate without demur in most instances, it is sometimes queried. This leads to further correspondence, usually ending in a more detailed explanation by the Directorate lawyer which is then accepted. We take the view that the considerations of the reviewing lawyer should always be sufficiently reflected in the reasons given to the police.

2.50 We recommend that the Directorate should review the level of detail supplied to the police when explaining decisions not to proceed, including references to the relevant evidential and public interest factors which have influenced the decision and which reflect the considerations of the reviewing lawyer.

Direct communication with victims and witnesses

2.51 Much of the Directorate's casework, for example corporate manslaughter, medical negligence and disaster cases, gives rise to particular issues of sensitivity in respect of victims, their families and witnesses. Lawyers are aware of the importance of the requirement to communicate their decisions to victims or their relatives. The Directorate took on this responsibility in advance of the CPS national implementation. Letters to victims generally give sufficient explanation of the reasons for particular decisions and lawyers take great care to deal sensitively with often difficult issues. Copies of letters are sent to the police. Sometimes the police are provided with draft letters to ensure that all issues are covered or that some are not insensitively or inappropriately referred to.

2.52 Some cases, such as corporate manslaughter, pose difficult legal issues which require particular sensitivity when explaining decisions to relatives of victims. Directorate staff will always meet with victims and their relatives if this is requested. The BCP or Head of Division will accompany the reviewing lawyer. Meetings take place at the offices of the Directorate, at the victim's local police station or at the offices of their solicitors. Notes of discussions at such meetings are kept on Branch in a central register.

Discontinuance

- 2.53 The majority of cases which are handled by the Directorate have been subject to a detailed consideration of the evidence before proceedings are commenced. Lawyers usually determine the charges on which the case proceeds. Consequently, as might be expected, the number of cases which are discontinued is very small. In the year ending 31 December 2001, proceedings against 20 defendants were discontinued by Directorate lawyers.

Venue for trial

- 2.54 The serious nature of the Directorate's casework means that much of it is dealt with at Crown Court. Many offences are indictable only. Many either way matters import serious considerations and elements which mean that Crown Court is the only appropriate venue and mode of trial representations do not raise any serious challenge. In some less common either way offences, Directorate lawyers are happy to discuss relevant criteria, in advance of plea before venue, with court clerks and defence solicitors, who may have no experience of the particular offences.

Bail

- 2.55 The majority of defendants dealt with by the Directorate are remanded on bail which, in most cases, is not opposed. Proceedings have often been under consideration for some time and it is rare that the urgent need to detain someone in custody leads to immediate charges.
- 2.56 The principal exception to this relates to extradition proceedings. Although the Bail Act does not apply to such cases, Bail Act grounds and reasons are generally adopted and accepted by all agencies. Although the police tend to make the initial application for a remand in custody, Directorate lawyers deal with many of the subsequent hearings. Applications for remands in custody are structured well and the grounds of opposition are supported by the circumstances of the case.
- 2.57 Bail appeals to a judge in chambers are usually dealt with by counsel instructed by the Directorate. Counsel are well informed about the case and the investigating officer is likely to attend to deal with any unforeseen issues. We are told that appeals are handled well and the Directorate makes appropriate decisions whether to oppose bail and what conditions to seek in relevant cases.

Judge ordered and judge directed acquittals

- 2.58 The nature of the Directorate's casework means that some decisions are finely balanced evidentially. Many decisions to proceed with cases have to be taken with the knowledge that a particular aspect or aspects of the case incorporate a risk that the case may founder. Nevertheless, the overall balance of the evidence justifies proceeding. Taking considered decisions against known and appreciated risks is entirely appropriate in these circumstances. The subsequent realisation of that risk does not invalidate the earlier decision to proceed or continue with the prosecution. This, of course, is not exclusive to the Directorate's casework, but is perhaps more common. Senior managers acknowledge this.

- 2.59 The Inspectorate's Review of Adverse Cases (Thematic Report 1/99) found that in 31.8% of cases examined, the adverse finding was foreseeable. We found that in the Directorate the adverse finding was foreseeable in three out of eight cases (37.5%), though this sample is insufficient to form the basis of any proper comparison.
- 2.60 In April 2001 the CPS changed the method it uses for assessing whether adverse cases has arisen through a failing of the CPS. Before this change, only a decision to proceed that was clearly wrong was captured for the purpose of CPS performance indicators. The new test covers all stages of the review process and is similar to our test.
- 2.61 In the year ending 31 December 2001, proceedings against 42 defendants in the Directorate's cases were not proceeded with in the Crown Court. The great majority were stopped by the judge at the request of the prosecution before the trial started (judge ordered acquittals).
- 2.62 We examined three judge ordered acquittals. We agreed with the initial decision to proceed in all three cases. The reason for acquittal was foreseeable in none of them and the prosecution could have done nothing more to avoid acquittal. In two cases, the reason for acquittal related to an issue of public interest immunity in order to avoid disclosure of an informant. In the remaining case, the prosecution was dropped after the judge accepted the defence argument that the prosecution was an abuse of process because the defendant had made a statement to the police on the basis that he would be a prosecution witness.
- 2.63 During the same period, there were 23 defendants in whose cases the judge directed an acquittal after the trial had started. We examined five cases (involving a total of seven defendants). The initial decision to proceed was correct in all but one case. The reason for acquittal was foreseeable in three, though the Directorate could have done more to avoid acquittal in only one of them. In each case, the prosecution offered no evidence after witnesses failed to come up to proof. Two were cases of medical manslaughter. The remainder related to prosecutions against police officers.
- 2.64 Reasons for acquittal are mainly factual and relate often to witness difficulties, either anticipated or occurring at trial. In some cases, especially in medical negligence cases, witnesses often fail to come up to proof. Despite the factual basis for acquittals, occasions can arise where there are lessons to be learned which can influence the handling of future casework.

Learning from experience

- 2.65 The nature of the Directorate's casework and the consideration it receives, particularly in the more complex cases, are such that issues are anticipated and thought through at all stages of progress. There is constant commitment from the lawyer, police and counsel throughout the case. Such a high degree of detailed analysis minimises the scope for error and often means that the reasons for acquittal are anticipated. Nevertheless, the Directorate's work provides some opportunities to learn from its casework, although they are not always properly exploited. The police and CPS usually have informal debriefings at the end of significant cases. Counsel may also be involved and is sometimes asked to prepare a written report on the case. These debriefings are undoubtedly useful, but there is no consistent approach and no formal

system within the Directorate for promulgating any lessons learned. The general view is that most cases fail for reasons unconnected with the review process, for example difficulties with witnesses. Senior managers within the Directorate have no real perception of the numbers of adverse cases or percentage of adverse cases of the total caseload.

- 2.66 We were told that lawyers and caseworkers compile adverse case reports which are sent to the BCP and then forwarded to the Directorate's Secretariat for collation. They are usually referred to in the Branch monthly report. This is not generally regarded as a useful tool for learning from casework, although in appropriate instances, the case is discussed with the individual lawyer. The files in our sample, however, showed no real evidence of the reasons for acquittal being considered. Some cases contained a short report of the issues leading to the outcome but these did not amount to formal adverse case reports. There was only one case within the file sample in which a full analysis has taken place. The Directorate's casework is such that many valuable lessons can be learned which have general application but also may have particular relevance in other cases. The Directorate should have an effective mechanism for ensuring that these lessons are promulgated to everyone. We were concerned to find one advice case where papers were received at a relatively late stage having regard to the fact that a summary offence was involved (with a six month time limit) and considerable further investigation would in any event have been needed. The approach of the statutory time limit was not identified soon enough and the opportunity for proceedings (had they been appropriate) had been lost by the time the papers were referred to the Law Officers. A request by the then Attorney General that steps be taken to ensure that the circumstances could not recur did not lead to any effective action.
- 2.67 We recommend that the caseworker and lawyer should prepare formal written reports in all adverse cases. The reports should be submitted to the BCP, analysed and the results of the analysis published to all Directorate staff to ensure that appropriate lessons are learned from casework.**
- 2.68 Lawyer meetings are used as an opportunity to discuss learning points. These sometimes involve a formal presentation by the reviewing lawyer. Often, issues are discussed informally within the Branch.
- 2.69 Lawyers at Birmingham established their own legal forum to discuss developments in case law. This has now developed a more formal structure and includes York and London offices. They are held each month. Formal presentations are given, sometimes by guest speakers, and case study syndicates to discuss difficult legal issues.
- 2.70 Not all learning relates to adverse case outcomes. Senior managers are proactive in communicating good news. Lawyers and caseworkers are encouraged to prepare reports in respect of successful cases in which a particular aspect of review or case preparation has contributed to the result. These too are referred to in the monthly report.

Visa cases

- 2.71 Visa cases relate to serious allegations of corruption against serving police officers. They are named after the unit within the Directorate which previously handled them and which has now been disbanded as a separate unit. They are now handled within London Branch 3. As with the rest of the Directorate's casework, files are usually submitted at an early stage for advice and counsel is often involved. Cases which are prosecuted tend to have a large volume of evidence and unused material which is properly catalogued and indexed.
- 2.72 We looked at three cases. The size of the cases precluded any detailed examination and they do not form part of our file sample. The purpose in looking at the cases was to gain an impression of the issues which they involved and how they were handled. Two of the files related to prosecutions. The evidence and unused material in one of them was contained in two large cupboards. It was contained in small boxes labelled with details of its contents and centrally catalogued to assist retrieval. The file showed evidence of continuing case management. The third file was an advice case which did not result in prosecution. The review note was detailed and dealt with the specific allegations in turn clearly and logically. The obviously professional approach was slightly marred by the reviewing lawyer's initial failure to deal with a minor specific allegation until reminded by the police. Nevertheless, the standard of case preparation and level of attention was generally exemplary.

Official Secrets Acts proceedings

- 2.73 All requests for advice and proceedings under the Official Secrets Acts 1911 and 1920 and the Official Secrets Act 1989 are dealt with by Casework Directorate. There is a steady trickle of such cases ranging from sophisticated espionage through allegations of deliberate disclosure of protected material by public servants through to incidents where neglect has put sensitive documents and information at risk. At the time of our inspection, one substantial case was before the court; it was not within our sample. We examined three advice cases. In each case the advice given was sound, although in one case the review lacked intellectual rigour – a point picked up and dealt with by the Branch Crown Prosecutor.

PREPARING CASES

Advance information

- 3.1 In the vast majority of prosecution cases, the Directorate advises charges following the submission of a full file from the police. As a result advance information usually comprises a copy of the complete evidence and is served in time for the first hearing. A letter is sent to the defence enclosing the disclosure package. We found, however, from our file sample that neither the fact of service nor the makeup of the bundle is generally recorded on files.

Disclosure of unused material

Introduction

- 3.2 The nature and complexity of many of the Directorate's cases means that not only is there a large amount of evidence to be considered, but often there is a larger amount of unused material to be reviewed. However, the nature of the casework also imports other factors which assist in the way that material is handled. Cases are usually investigated by specialist officers and an experienced disclosure officer is assigned to handle unused material who is capable of assessing a particular item's relevance or sensitivity. There is usually early contact between the police and the reviewing lawyer and caseworker which means that disclosure issues can be considered and discussed as the investigation continues. Counsel too is often involved at this stage. This results in the preparation of detailed schedules of unused material and a better understanding of the relevance of material.

Application of the disclosure provisions

- 3.3 Primary disclosure was dealt with correctly in 21 of the 29 cases we examined (72.4%); we could not ascertain the position in two of the remaining eight cases. Because of the importance of this aspect of CPS performance and its particular significance in the Directorate's cases, lawyers and caseworkers take their responsibilities very seriously. They are often frustrated that the volume of material and the pressures of time place restrictions on the consideration they can give to unused material. In some cases, the reviewing lawyer will find time to consider the material, often in conjunction with the caseworker. This can be time consuming, however, and may take the lawyer away from the office, because the volume is such that material has to be viewed at the police station or sometimes elsewhere. Often junior counsel is instructed to review unused material in the more complex cases.
- 3.4 Nevertheless, Directorate lawyers and caseworkers have a positive attitude towards disclosure of unused material. Unless material or information is categorised as sensitive, it is likely to be disclosed to the defence even though a strict interpretation of the Criminal Procedure and Investigations Act 1996 (CPIA) or the Attorney General's Guidelines might not require its disclosure. They are encouraged in this approach by counsel and by some Crown Court judges.

- 3.5 File examination proved a difficult exercise in respect of verifying that disclosure was correctly dealt with. Some files did not contain copies of disclosure schedules or letters to the defence confirming that disclosure had occurred.
- 3.6 The principal complaint in respect of primary disclosure (and secondary) is that it occurs late. There have been instances in which prosecuting counsel has felt that too much has been disclosed unnecessarily. We have also been told of cases in which material has been disclosed without appropriate editing to remove the possibility of identification of individuals. The volume of material might make this understandable but it also, together with the sensitivities inherent in much of the Directorate's casework, makes a particularly detailed consideration of unused material a necessity.
- 3.7 Secondary disclosure was correctly dealt with in 21 out of 24 relevant cases (87.5%). The remaining three files contained no evidence that copies of the defence statement had been forwarded to the police and that secondary disclosure had taken place.

Sensitive material

- 3.8 Many of the categories of cases handled by the Directorate raise particular sensitive issues. Directorate lawyers are used to handling sensitive material, although the same considerations apply as with non-sensitive material. The volume is such that counsel is often asked to consider the relevance of material and its likely effect on the prosecution case. Directorate lawyers nevertheless remain aware of their own responsibilities in this context.
- 3.9 Sensitive material was handled correctly in 14 out of 16 cases in which it was relevant; we could not ascertain the position in one of the other two cases. Lawyers and caseworkers are experienced in dealing with sensitive issues and work in close co-operation with the police and counsel. Sometimes the police can display an excess of caution in respect of some material, categorising it as sensitive when the nature of the material does not warrant it. There is also a perception amongst some Crown Court users that Directorate lawyers do not challenge the police view in this respect often enough which can lead to long arguments between the prosecution and defence over certain material.
- 3.10 It is more common for the Directorate to handle and store sensitive material than it is for Areas. We were satisfied that appropriate secure arrangements existed for storage of material. The material is assessed for security of movement within the office by a senior caseworker. Any member of the team handling the case has access to the material, although there is restricted access to the safe in which it is stored.
- 3.11 We were told that cases still occur in which the Directorate lawyer and caseworker are unaware of the full nature of particularly sensitive material. This situation usually arises in cases involving some police specialist squads and often where security considerations dictate that material must remain with its owners. The police may then deal directly with counsel who may view material at relevant locations. This means that Directorate staff are sometimes unaware of significant aspects of the case. The inspection report on Central Casework commented specifically on this aspect and recommended a joint protocol to clarify the respective roles in respect of unused material. Although this has led to a more structured system, problems can still occur and should be addressed.

Public interest immunity issues

- 3.12 Public interest immunity (PII) considerations arise frequently in the Directorate's cases and lawyers and caseworkers have an excellent understanding of the issues involved. Unused material gave rise to PII considerations in seven cases that we examined. They were dealt with correctly in each case as far as we could tell. PII applications to the court are appropriate and timely and there has been judicial praise for the way they are handled. Casework Directorate liaises with the legal representatives of the security and intelligence services when a claim may be necessary to protect material from these sources.

Third party material

- 3.13 Issues surrounding third party material do not arise often in respect of the Directorate's casework. There were two cases in the file sample involving third party material and it was dealt with correctly in each case.

Summary trial preparation

- 3.14 We have already commented that most of the Directorate's cases are dealt with in the Crown Court. Of the few which are dealt with in the magistrates' courts a high proportion are contested, though these are still few in number. In the year ending 31 December 2001, seven cases went to full trial in the magistrates' court. Four of these resulted in the acquittal of the defendant on all charges.
- 3.15 We examined five cases which went to summary trial and procedures were correct and prompt in each case. Witnesses are warned, on instructions from the lawyer, through the local police force. There are internal concerns about the lack of a single system for preparation of summary trials and an acceptance that this will need to be addressed.

Committal preparation

- 3.16 The evidence bundles were correctly assembled in each of the 22 committals where we could make an assessment. Committal papers were served promptly in all but two cases.
- 3.17 Committals are prepared, with few exceptions, by using the Crown Court Case Preparation Package (CCCPP). There is a varied approach towards committal preparation. This is inevitable to some extent. The extensive involvement of the Directorate before charge, means that much of the preparation is dealt with at this stage and papers are prepared and ready for service immediately. Because this process often involves the caseworker as well as the lawyer, caseworkers are responsible for much of the preparation with administrative assistance from level A2 staff. The caseworker will have discussed the evidence and issues with the lawyer and, in many instances, with the police and counsel. Some, however, are prepared by lawyers, often those who are recently recruited and who are wishing to gain experience.

Indictable only cases

- 3.18 Section 51 of the Crime and Disorder Act 1998, provides that indictable only offences are sent to the Crown Court, after an initial remand hearing in the magistrates' court, without the need for formal committal proceedings. This has ensured that such cases tend to proceed to trial more quickly and has increased pressure on the Directorate, especially in cases in which time has not allowed previous advice to be given to the police. It has led in turn to a large number of applications to extend the periods allowed for the various stages of case progress. One Branch is about to start a system of monitoring progress using a whiteboard.
- 3.19 Directorate staff have received initial training in the handling of indictable only cases. There were three cases in our file sample which had been sent to the Crown in accordance with the provisions of section 51. The prosecution papers had been correctly reviewed and prepared in each case. However, they were served promptly in only two of those cases.

Instructions to counsel

- 3.20 Briefs are prepared by the person who prepares the committal, which is usually the caseworker. Once prepared, the draft is sent to the lawyer and then checked again by the senior caseworker. Counsel are generally happy with the quality of their instructions, although they acknowledge some variations. We were told that they are generally more detailed than briefs from CPS Areas; they identify issues to be addressed, provide relevant background information and give the lawyer's thoughts on the case.
- 3.21 We agree with this assessment overall, although the degree of variation in detail and content gave us concern. Much of the brief comprises standard paragraphs which, with minor variations, are common to all cases. There are, however, sections which allow or require free text relating to the individual case. The principal one deals with the facts of the case and the issues involved. These require drafting in each case. We found that some are very comprehensive whereas others are very short and uninformative. Some instructions to counsel include the lawyer's review note but this is not standard practice. We were told that, in many instances, counsel has often been involved with the case for some time, occasionally even before charge or arrest. The brief, in these circumstances, is usually a short statement of the current state of case progress. We record below the quality of counsel's instructions in the 25 cases within our file sample where we were able to make an assessment.

Standard	No of Briefs
1 = significantly above average	0
2 = above average	8
3 = average	9
4 = below average	4
5 = significantly below average	4

- 3.22 A recent Branch report expressed concern about the quality of briefs and identified a training need. In our view, the standard of briefs should be more consistent and reflect the detailed consideration of the case issues which has obviously been undertaken and is often referred to in other documents.
- 3.23 We recommend that guidance should be provided to lawyers and caseworkers on the preparation of instructions to counsel to ensure that they are detailed and informative and adequately reflect the case issues. BCPs should monitor briefs to ensure a consistent quality.**
- 3.24 Instructions to counsel were delivered within time guidelines in each cases as far as we could tell, confirming the general perception of counsel we interviewed that briefs were delivered promptly.

Quality of indictments

- 3.25 Indictments are generally drafted by lawyers, although caseworkers sometimes draft them in appropriate cases. The quality of indictments is very good. The indictment was correct in 22 cases out of 24 in our file sample. This confirms the view of others that indictments are generally well prepared. Some have been settled by counsel or prepared after counsel's advice on charges, particularly in fraud cases. Although the indictments in six cases within the sample were amended, none of them indicated any training need. Most amendments relate to minor issues and are often simply to reflect preferences of individual counsel in case presentation.
- 3.26 There was some particular criticism of indictments in cases involving mortgage frauds but this was isolated and did not attach to indictments generally.

Plea and directions hearings

- 3.27 We considered that only six cases in our sample were not completely trial ready at the plea and directions hearing (PDH). Directions were not complied with on time in only one case so far as we could tell. Outstanding issues often relate to forensic or other expert evidence in some of the bigger cases.
- 3.28 The team handling the case will determine between themselves who needs to be present at PDH. Usually the caseworker or lawyer will attend; sometimes both attend. If their attendance is not felt to be necessary, someone from the team will liaise with counsel and the local Area. Investigating officers are often present at PDHs to assist with issues which may arise.
- 3.29 Orders and directions given at PDH were complied with in 16 cases, although we could not tell the position in five of the remaining six relevant cases. Teams and Branches use various methods to ensure that orders and directions are complied with. Some use a team diary; others note the information on CAMS. One London Branch records directions in a Judges' Orders Book which is then used to track compliance. It is the responsibility of lawyers and caseworkers to ensure that orders and directions are complied with and they are ever aware of their obligations in this respect.

- 3.30 Some Crown Courts specifically follow up orders and directions with both the prosecution and the defence.

Lawyer involvement in case management

- 3.31 The demarcation of responsibilities between lawyer and caseworker is less pronounced in the Directorate than it might be in CPS Areas, even despite the restructuring into separate Trials and Criminal Justice Units. We have already commented, in relation to the initial stages of a case, that files are handled by a team comprising lawyer, caseworker and level A administrative support. This continues throughout the later stages of the case.
- 3.32 Lawyers attend conferences with counsel and their contribution to discussions is valued. Lawyers attend Crown Court as frequently as they can when their presence is likely to assist case presentation. They often attend on the first day of trial with the rest of the team dealing with the case. Their greater involvement in the earlier management of cases often makes their presence invaluable in discussing trial issues with counsel and the police and considering any pleas that may be offered. Their contribution is appreciated by counsel and judges.

The role of the caseworker in the Crown Court

- 3.33 As a general rule, caseworkers cover only one case at a time and attend Crown Court throughout the course of each case to assist with its conduct. They have usually been involved with the case at a very early stage and have a good knowledge of the evidence and issues. The level of service provided by caseworkers is highly valued by counsel and the judiciary, although their attendance at court can lead to periods of inactivity during the longer trials.
- 3.34 Level A caseworkers often attend court with the rest of the team or caseworker as part of their personal development. If the caseworker assigned to the case cannot attend, the level A caseworker may be asked to cover the case unsupervised. Although attempts are made to restrict this role to the more experienced staff, it may leave the caseworker vulnerable if issues arise which are beyond their experience or capabilities.
- 3.35 If any case may give rise to issues about personal security, the caseworker is consulted and, if necessary, special arrangements are made.
- 3.36 Understandably, caseworker managers rarely attend court to monitor the performance of caseworkers because the court is often far removed from the office. They rely on reports from representatives of other agencies.
- 3.37 Caseworkers always liaise with the Area covering the court in which the case is held. In some instances, the Area is able and happy to offer assistance. This is viewed positively as an opportunity for staff development. Directorate caseworkers will also assist Area caseworkers while at court if they can.

Custody time limits

- 3.38 The Directorate has very few cases in which defendants are subject to a custody time limit (CTL). It must, nevertheless, maintain an effective system for monitoring cases. The danger in having few cases is that staff may be less familiar with, and less confident in, procedures and a feeling that monitoring is not particularly onerous, leading to complacency. There is a recognition of this and efforts are made to avoid difficulties. Some in-house training has been held and at least one Branch has a CTL lawyer to whom problems can be referred. Nevertheless, file examination and discussions with Directorate staff have revealed deficiencies in awareness which have led to errors in procedures and highlight a particular training need.

Calculation of expiry dates

- 3.39 The expiry date in two of the ten files that we examined had been calculated incorrectly. In one of the cases, the date recorded in the file and in the monitoring diary was, inexplicably, more than three months after the correct expiry date. The position was made worse by poor and confusing file endorsements. In the second case, the date had originally been calculated correctly but was amended for no apparent reason to a date a month later. There were a number of entries in the monitoring diary, some of which bore no correlation to either of the dates and added further confusion to the picture. This was a current file and the situation was remedied immediately. Calculations are rarely checked.
- 3.40 We recommend that all calculations of custody time limits expiry dates should be checked and initialled by a senior caseworker. Cases should be checked periodically against the monitoring diary to ensure that details are entered correctly.**

Monitoring systems

- 3.41 The B2 office manager has overall responsibility for monitoring expiry dates, although day to day monitoring is done by the caseworker handling the case. In one office, the office manager contacts the lawyer and caseworker using e-mail when the file is due for review. The lawyer is then responsible for reviewing the case and deciding whether an application to extend the limit is appropriate.
- 3.42 When files are registered, the time limit expiry date is endorsed on a sticker attached to the front of the file jacket. A separate sticker is used for each defendant. Details of each defendant and time limit are put on a whiteboard and entered into the team diary and that of the caseworker.

Applications to extend custody time limits

- 3.43 File examination showed that notices of application to extend the time limit were not always accompanied by a chronology of case progress. Indeed, some caseworkers were not aware of the need for one. We observed one file which contained a handwritten chronology but it was not clear what use had been made of it. We were told by representatives of the Crown Court that counsel do not appear to be properly instructed on case progress in Directorate cases. More often than not counsel simply states that the prosecution have acted with all due diligence and expedition rather than give a detailed chronology of events.

- 3.44 The Inspectorate's Thematic Review of Custody Time Limits in the CPS has recently been published. This provides guidance on the issues referred to above which the Directorate will no doubt take into account. However, we think that more specific urgent action is needed.
- 3.45 We recommend that the Directorate should review its custody time limits system to ensure that monitoring procedures are effective. Training should be provided for all relevant staff in custody time limits procedures and the application of the Custody Time Limits Regulations.**

File endorsements and file management

- 3.46 Directorate files often comprise large volumes of evidence, exhibits, unused material and other documents and papers. It is not unusual for an individual case to require more than one cupboard to store the papers. Consequently, file management and housekeeping is important but presents some challenges. We were generally impressed with the way that case papers were managed in the bigger cases. Material was stored in folders according to its nature and catalogued alphabetically allowing easy retrieval. A lot of material is also available in electronic form. We spoke to one caseworker who had used his technical skills and knowledge to adapt his own system of cataloguing and retrieving material electronically. The use of hyperlinks to cross reference material allowed immediate access to, and transfer between, documents electronically. We understood this to be a personal initiative but think it is worthy of wider application throughout the Directorate.
- 3.47 Files contain labelled folders for the different documents. The system is not always adhered to, however, and administrative staff often have to tidy files after they have been in court or reviewed.

Correspondence

- 3.48 All post is opened centrally, the recipient is identified and the correspondence is date stamped. It is then put into the recipient's pigeonhole, although urgent correspondence will be distributed personally.
- 3.49 Internal systems for handling correspondence could be improved. There is sometimes uncertainty as to who should respond to enquiries and letters may go through a number of different hands before a reply is given.

SPECIFIC PROCEEDINGS

Unduly lenient sentences

- 4.1 Section 36 of the Criminal Justice Act 1988 allows the Attorney General to refer certain cases to the Court of Appeal to review sentence if it appears that the sentence imposed is unduly lenient. Notice of an application for leave to refer the case must be lodged with the registrar of Criminal Appeals within 28 days of sentence. There is no power to extend the limit or to make application for leave to apply out of time.
- 4.2 The Attorney General has a general power to refer any relevant case dealt with in the Crown Court in which the sentence appears to be unduly lenient. He may, therefore, take action on his own initiative or upon the matter being referred by a victim, victim’s relative or Member of Parliament on behalf of a constituent. The most usual procedure is for cases to be submitted by the CPS Area which had conduct of the case. Many cases are identified well in advance as appropriate for reference if the sentence is regarded as being unduly lenient.
- 4.3 If the Area wishes to refer the case, it should submit the appropriate papers to the Directorate within ten days of sentence. The withdrawal of a number of cases by the Attorney General because an application had had to be made to the Court of Appeal on the basis of incomplete papers, led the DPP, in February 2001, to make it the personal responsibility of each CCP to ensure that submissions by Areas were complete and made within the time guidelines. We examined 16 cases which had been referred to the Attorney General for a review of the sentence by the Court of Appeal. We sought to ascertain within what period following sentence the Area referred the case to the Directorate. The results are as follows:

Period	10 days	15 days	20 days	25+ days
Number of cases	4	4	5	3

- 4.4 The Directorate staff consider that the quality of Area submissions has recently declined. Details of the basis on which pleas may have been offered is often not provided. The advice from counsel who dealt with the original trial often does not address the relevant issues. This clearly imposes greater pressure on Directorate staff and presentations have been given to CCPs in an effort to improve quality.
- 4.5 Once the case is submitted, the Directorate reviews the papers to assess the merits of a reference. The Directorate will seek advice from Treasury Counsel if it feels that the Attorney General is likely to put it forward or the case is borderline. A level A member of staff is allocated to all cases and is responsible for preparing the case for Treasury Counsel. Directorate lawyers review counsel’s advice and comment upon it in their submission to the Legal Secretariat to the Law officers (LSLO). Their views are valued.
- 4.6 It is generally considered that the Directorate’s role adds value. Cases are well prepared and counsel’s papers are correctly assembled with appropriate and detailed instructions. In urgent cases, counsel’s advice may be sent direct to the LSLO. We were told that cases which are submitted are usually appropriate for reference to the Court of Appeal. However, we also examined the outcome of the reference to the Attorney General with the following results:

Outcome	Withdrawn by the Directorate	Not unduly lenient	Unduly lenient but not increased	Unduly lenient and increased	Not referred by the AG
Number of cases	1	1	2	5	7

- 4.7 Lawyers may attend the hearing of the referral if the case is a sensitive one and victims and witnesses are present.
- 4.8 Another function of the Directorate is to act as a central contact point between the Area and the LSLO and to keep the Area informed about the progress of the case. We were told, however, that unless there are deficiencies in the papers submitted by Areas, there is little communication thereafter. Copies of the actual reference to the Attorney General or Treasury Counsel’s advice are not usually provided to the Area as a rule, although there appears to be no reason why they should not be. The Directorate takes the view that counsel acts for the Attorney General rather than the CPS.

Extradition

Introduction

- 4.9 This area of work is divided into import cases and export cases. In import cases, Casework Directorate acts on behalf of Areas and police forces in securing the return from foreign jurisdictions of individuals who have been charged with or been convicted of, criminal offences in this country. A significant sub-division of that category is in requests addressed to the Republic of Ireland. The return of suspects from the Irish Republic is dealt with under a system of “backing of warrants” but the procedures are similar to extradition and are referred to as such generally and in this section of the report. In export cases, the Directorate acts on behalf of foreign states seeking the return from England and Wales of those wanted for crimes committed in the foreign jurisdiction.
- 4.10 The role of Casework Directorate’s lawyers differs according to the category into which an extradition case falls. In neither case is the lawyer called upon to decide whether there is a realistic prospect of conviction or whether a prosecution would be in the public interest. In import cases those decisions will have already been taken by the reviewing lawyer in the Area which has submitted the file, and the main task of the Casework Directorate lawyer is to draft a statement of the offence and of the English law pertaining to it which will meet the requirements of the state to which the request is being directed, and submit it to the United Kingdom Central Authority for onward forwarding to the relevant foreign authority. No court appearances take place in this country. In export cases the main task of the lawyer is to ensure that the documentation submitted from the requesting state is sufficient to enable a magistrate to commit the defendant and then to draft a schedule of English extradition crimes and an opening note setting out the facts and how the requirements of extradition law are satisfied by the evidence submitted; if the magistrate is satisfied of these matters the Home Secretary then decides whether to grant the application. A number of court hearings at Bow Street Magistrates’ Court, which deals with all export extradition cases, is usually required if a defendant contests the application for extradition.

4.11 We examined 30 cases in our file sample of which ten were export cases, ten import cases and ten Irish cases. In general we were impressed with the professionalism and the efficiency with which these cases were handled, an impression corroborated by our external interviewees and by some letters of thanks and appreciation that we were shown from foreign authorities. It is clear that the Directorate's extradition lawyers enjoy good relations with its partner agencies in this country and abroad, and with the courts and defence.

Import extradition

4.12 Import cases are generally more straightforward and quicker than export cases, particularly where the requested state is a signatory to the European Convention and which therefore does not require a prima facie offence to be shown. Care still needs to be taken that the documentation will meet the requirements of the particular state and a degree of expertise is necessary for such decisions, as small technical errors or ambiguities may be fatal to the application. The Directorate's lawyers cannot offer advice as to substantive foreign law and it can happen that a request is refused because the offence alleged in England is not also an offence in the requested state or is statute-barred. Some foreign states, for example Turkey, will not extradite one of their own nationals, although they may respond to a request that they should themselves prosecute the defendant, and the Directorate will assist the Area in making that request.

Export extradition

4.13 Export cases, particularly if they are requests from states not signatory to the European Convention, may involve many points of law, evidence and procedure of a technical nature. Frequently, rulings in the magistrates' court as well as decisions of the Home Secretary may be subject to challenge by application for a writ of Habeas Corpus in the Divisional Court and be appealed, occasionally, to the House of Lords. Such cases may continue for a protracted period. The number of counsel specialising in these cases is small and magistrates hearing them are also limited to those with special training and experience. In these circumstances it is understandable and appropriate that the Directorate relies on a small number of specialist lawyers who work almost exclusively on these cases, which are not appropriate for handling by a generalist lawyer.

Quality of review

4.14 In relation to export cases it can be seen from the above that success depends critically on spotting any deficiency in the papers and then remedying it in liaison with the requesting state, if possible. It is not possible to wait for these to be identified by the court or by the defence since by then it will usually be too late to correct them. We saw some excellent examples where the Directorate's lawyer had been proactive in doing this, although we also saw one case outside our file sample where a basic error had not been picked up and which resulted in the proceedings eventually having to be discharged and re-started. Some mistakes are bound to be made, especially in a highly technical field, but we believe this illustrates the value of the review note. We are aware that, following the previous Inspectorate report on Central Casework, review notes were introduced into extradition work, but we did not find their use to be consistent in this inspection. We have been told that this is because they are not considered necessary in the more straightforward cases, or that the information can be found in comprehensive advice given to the Government of the Requesting State. We are mindful, however, of the purpose of review notes in other cases referred to in paragraph 2.22, particularly in providing explanation to other lawyers who may later

deal with the case. Review is not, of course, the statutory requirement that it is in other CPS work but the type of review note we saw in these cases clearly acted as a useful checklist to ensure that the papers submitted were sufficient and correct. We believe that the joint experience of the lawyers has enabled a useful form of review note to be devised which if conscientiously completed ensures that the pitfalls likely to be encountered are all identified; and it also functions as a useful training tool for those new to the specialism.

- 4.15 Likewise in import cases and Irish cases we found several examples in the sample where the lawyer had been particularly active and astute in assisting the Area in formulating and progressing the request. Much careful thought and hard work had plainly gone into these cases and we **commend** it. We saw one example of an import case from a Commonwealth country which had required very elaborate work including the taking of a long series of depositions by a magistrates' court and detailed and lengthy liaison with the foreign legal authority.
- 4.16 We think it is important that there should be some note of the reviewing lawyer's decision in every case. We acknowledge that in some extradition cases, more detailed information may be set out in other documents within the file. In such cases, the review note need not be as comprehensive as in others and may refer to the more detailed note, whilst drawing attention to significant issues.
- 4.17 We suggest that Directorate lawyers should prepare, in every extradition case, a review note which sets out the factors taken into account in the decision and discusses the case issues, or makes reference to them when they can be found elsewhere within the file.**

Presenting extradition cases

- 4.18 The Directorate's lawyers perform much of their own advocacy at the Bow Street Magistrates' Court. We made a number of visits to the Court to conduct observations on Directorate advocates but were unable to see anything of significance. We were told by a number of external sources, however, that it was generally of a very good standard. When a case is likely to involve difficult points of law it is often sent to counsel, although Directorate lawyers prosecute some difficult committals and appear at interim hearings to argue difficult points of law. They also appear in the High Court to resist bail applications in extradition cases. There is only a small number of counsel specialising in extradition work and the non-availability of suitable counsel can lead to delays in finalising these cases. We therefore applaud the efforts the Directorate is making to increase the pool of available counsel by sending instructions, initially in the simpler cases, to those who have expressed an interest in it.

Letters of request

- 4.19 A letter of request is a formal letter to a foreign judicial authority requesting assistance in obtaining evidence, as specified in the letter, from the foreign country for a prosecution in England and Wales. They may be required at any stage of proceedings, whether during the initial investigation or after charge. CPS Areas are responsible for preparing the initial draft of the letter which must then be submitted to the Directorate for approval. Directorate lawyers are also ready to give advice to Areas on any aspect of letters of request.

- 4.20 There is some confusion amongst Areas and the police about the Directorate's requirements in respect of letters of request. This has led to differences in approach. Some submit drafts for vetting, whereas, in some instances, a report is submitted which is then incorporated into a Directorate drafted letter. We have seen examples of both, though principally the former. Draft letters of request are either submitted by fax or in correspondence. There appears to be little use of electronic transmission though this might perhaps increase following the installation of Connect 42.
- 4.21 The Directorate has issued comprehensive guidance to Areas on the preparation of letters of request but the quality of drafts submitted varies widely. Area staff told us that despite the detail of the guidance, there are still inconsistencies in the requirements of individual Directorate lawyers which can cause frustrations. Directorate staff strive for consistency but acknowledge that lawyers have different styles. Similarly, the responses from lawyers are regarded as varying between helpful and "nit-picking and peremptory". We saw some examples of less than helpful responses, though overall the assistance provided was positive and courteous.
- 4.22 The Directorate in general deals competently with letters of request, although there are some variations in the depth of consideration given by some lawyers. We found that the expertise was widely spread throughout the Directorate but the level varied considerably according to the experience of the individual lawyer.
- 4.23 Much correspondence with the police and Areas appears to be dealt with by caseworkers. Standard form letters are used which are often not adapted to the circumstances of the individual case. It was also clear that many drafts were approved and even prepared by senior caseworkers, although we were impressed by the quality of those that we saw. Many of them feel that their experience enables them to contribute more to the process than dealing with correspondence.
- 4.24 The police have expressed concerns that there are sometimes crucial delays in cases which require urgent action. This has led, in some instances, to the police drafting the letters themselves, only to have them amended or redrafted when submitted to the Directorate. Individual police forces have their own standing orders dealing with the procedures for submission of letters of request, but there is no formal national protocol with the Directorate.

Obscene publications

- 4.25 The Directorate is responsible for advising police and Areas in respect of all proceedings under the Obscene Publications Act. If material is seized by the police which is thought to be obscene within the meaning of the Act, it is submitted to the Directorate, usually through the Area, for a decision as to whether the material should form the basis of a prosecution or an application to the magistrates' court for confiscation of the material.
- 4.26 Greater use of the internet for distributing pornography has led to changes in the way that prosecutions are investigated and prosecuted. In particular, changing attitudes and the increase in the availability of child pornography has led the police to concentrate more on dealing with this aspect. Consequently, prosecutions generally have decreased as the police and the Directorate concentrate on investigating the more serious and sophisticated types of pornography.

- 4.27 The CPS Prosecution Manual gives guidance on the criteria which determine whether material may be obscene and decisions are made on the basis of these guidelines. Currently, this task is undertaken by one member of staff in the Directorate's London office in an attempt to achieve consistency of approach, particularly in cases which may be described as borderline. Whereas we understand the need for consistency, this can be achieved in other ways and the Directorate may want to consider the advantages of having the expertise shared amongst others.
- 4.28 The Directorate has set a target of making decisions in obscene publications cases within 35 days of the file being registered. This is generally achieved.

Appeals to the House of Lords

- 4.29 Counsel's papers and those for the court are now well prepared and timely, although this was not always so. The responsibility for case preparation rests with one caseworker who has developed expertise over a period largely by trial and error. Others have a personal objective to be trained in procedures but this has not yet been done. This means, however that when the caseworker is away, problems can arise between the Directorate and the House of Lords listing office which cannot always be satisfactorily resolved. We think this situation needs to be changed urgently so that there can be continuous communication between the Directorate and the listing office at all times as circumstances require.
- 4.30 There is little opportunity for lawyer involvement because any point of law is usually well-refined by the time of appeal. Nevertheless, there are cases in which a lawyer's expertise has been of particular value.

PRESENTING CASES

Advocacy in magistrates' courts

- 5.1 The majority of cases are dealt with in the Crown Court. Consequently there is little opportunity to undertake advocacy in the magistrates' court other than remand hearings and some trials or pleas. The location of the court and the likely length of the hearing make it more efficient to instruct counsel or a lawyer from the local Area to attend.
- 5.2 The attitude of lawyers varies. Some enjoy advocacy and take such reasonable opportunities as they can to attend court. Many, however, joined the Directorate because of the opportunities offered by the diverse and unusual nature of its casework and prefer to concentrate on review and other aspects of case management.
- 5.3 The principal exception relates to extradition cases at Bow Street Magistrates' Court which are listed almost on a daily basis. They are generally dealt with by specialist lawyers within the Directorate.

Advocacy in the Crown Court

Directorate lawyers

- 5.4 Directorate lawyers deal with some Crown Court preliminary hearings in section 51 cases, though this is limited and is perhaps more prevalent at York than London. Preliminary hearings are usually undertaken by counsel, especially hearings at the Central Criminal Court.
- 5.5 The Directorate employs some Higher Court Advocates (HCAs). Some HCAs have been trained within the Directorate, while others were HCAs before joining. Although the Directorate's casework affords limited opportunities for deployment of HCAs in the Crown Court, they do arise from time to time and should be used more positively to allow advocates to develop their skills.
- 5.6 **We recommend that senior managers should devise a strategy which will provide greater opportunities for lawyers, who wish to do so, to maintain their advocacy skills and including the training and deployment of HCAs in the Crown court.**

Selection of counsel

- 5.7 The Directorate is generally well represented by counsel, although there has been criticism that junior counsel are instructed in some cases which are beyond their experience.
- 5.8 The Directorate instructs Treasury Counsel to provide and prosecute in a significant number of cases. These are experienced counsel who often have particular expertise in individual aspects of the Directorate's work. They have a long established relationship with Directorate lawyers and caseworkers. This is reflected in the high level of co-operation which ensures that cases are well prepared and presented. In

other instances, counsel are usually selected by the senior caseworker from chambers on the circuit on which the case is being dealt with. The lawyer and caseworker handling the case are consulted and will often influence the choice if individual counsel has a special aptitude for, or experience of, a particular type of case. This has in the past led to an overuse of some counsel, an issue which the Directorate is aware of and is addressing. The police may also have views on the choice of counsel in some cases and these are taken into account, though there is still an acknowledgment that the Directorate's experience puts it in the best position for selection of appropriate counsel. In some cases, the views of the local Area are sought and this helps to build up a register of suitable counsel.

- 5.9 The Directorate does not have a system of preferred sets of chambers. They are aiming to be more diverse in their selection of counsel and are widening the base. A series of presentations to counsel has been held in London and York and Birmingham to explain the nature of the Directorate's work and to attract the interest of counsel in handling cases. Inspectors were present at the York event which was well attended by counsel and Directorate staff. The Director, Casework gave a presentation explaining the nature of the Directorate's work. The response from local chambers was encouraging. The event assisted the Directorate in achieving a more diverse selection of counsel.
- 5.10 A small core of eminent counsel is used for appeals in the House of Lords.

Monitoring advocacy standards

- 5.11 Lawyers and caseworkers attending the Crown Court monitor counsel informally. A formal system of monitoring is being considered once agreement has been reached at national level between the CPS and the Bar. This will have an added importance once the pool of counsel is widened.
- 5.12 Barristers who are seeking appointment as Treasury Counsel are specifically monitored, although this may not be done as widely as it should.
- 5.13 The Directorate, in line with its aim to increase the diversity of its selection of counsel, has established a system to monitor the gender and ethnicity of counsel to ensure appropriate representation.

Returned briefs

- 5.14 Because of the significance and high profile of much of the Directorate's casework, returned briefs are very few. However, the nature of the casework also means that there is potential for considerable difficulty if counsel instructed cannot undertake a trial. We were told of at least one such case within the last 18 months. Sometimes junior counsel instructed in the case will attend an intermediate hearing if leading counsel is unavailable.

Victims and witnesses

- 5.15 The Directorate decided to communicate its decisions direct to victims in advance of national pilot trials. This was done before any formal training for staff, although BCPs check letters to victims before they are sent out.
- 5.16 Dealing with victims and their relatives can present particular challenges, especially in cases involving a fatality or number of fatalities. The police generally undertake the primary responsibility for witness care. They have specially trained and dedicated witness care officers as well as family liaison officers. However, Directorate staff have recently been involved in a number of high profile disaster cases, two of which were the subject of particular mention by representatives of other agencies whom we interviewed. One of these resulted in no proceedings being taken. The other resulted in a prosecution. Both involved similar issues but the different results required particular skill and care in dealing with victims and witnesses by the police and Directorate staff. Senior representatives from the Directorate chaired or attended meetings with victims and bereaved relatives in respect of both incidents. The high level of co-operation and planning by the police and Directorate staff ensured that decisions were communicated promptly and sensitively to victims as the enquiries progressed. The case which went to trial required special arrangements for the attendance of witnesses and victims at court because of the high numbers involved. The Directorate played a full part, together with the police, in ensuring that the level of care continued throughout the trial. The police were highly appreciative of the degree of co-operation from the Directorate and we **commend** its achievements in this respect.
- 5.17 In all cases involving a death, the Directorate lawyer offers to meet families. Court familiarisation visits in advance of the hearing will be arranged if required. In the prosecution referred to in the preceding paragraph, several meetings were held by Directorate staff, counsel and the police with witnesses and victims' families so that concerns could be aired and dealt with.
- 5.18 The level of contact with the Witness Service or Victim Support at court is improving. Increasingly, Directorate caseworkers notify the Witness Service of witnesses attending court. In appropriate cases, the police arrange for the attendance of a witness chaperon. Caseworkers at court liaise with the Witness Service and provide direct assistance to witnesses at court, particularly witnesses from overseas. Some counsel still maintain a traditional reluctance to speak directly with victims and witnesses. This is improving, however, especially in cases which are of particular sensitivity or involve fatalities.

FRAUD CASES

Fraud cases dealt with by Casework Directorate

- 6.1 There are clear Guidelines which set out, firstly, when cases should be referred by Areas to the Directorate and, secondly, whether a case should be sent directly by the police for advice and/or prosecution to the Directorate or to the SFO. In practice, the arrangements for deciding whether a case should be prosecuted by the Directorate or by the SFO, overseen as they are by a Joint Vetting Committee meeting every two months, work well. However the allocation of fraud work between the Directorate and Areas, particularly CPS London, is not so satisfactory.
- 6.2 In April 1999, the Report of the Chapter 9 Implementation Group (set up by the CPS to respond to Chapter 9 of the Glidewell report which dealt with Central Casework) expressed concern that CPS London was regularly retaining cases that should have been referred to the Directorate and that the Fraud Squad of the Metropolitan Police was sending virtually all of its cases there. We found that to a large extent this was still the case, and was so for the same reasons as in 1999, namely a perception by the police that the Directorate did not possess a broad enough skills base or sufficient resources to deal adequately with large scale and complex fraud. Although the Working Group recommended that the police “be disabused of this notion,” at the time of our inspection it was acknowledged by senior management within the Directorate itself that the resources were currently not available to handle any greater volume of fraud work.

The quality of decision making and the recording of decisions

- 6.3 We examined 13 fraud cases handled by the Directorate. An important caveat to our findings on this topic must be the age of some of the cases referred to in our file sample. This was an inevitable result of the fact that we relied on finalised cases. An initial review decision as to whether a case passed the evidential or public interest tests taken in 1996 or 1997 cannot usefully inform a judgement as to current quality of review, especially as many such decisions pre-dated the introduction of the practice of making a detailed review note in the Directorate. We have therefore looked where available at more recent examples of decision-making in such cases, for example, whether to continue to prosecute a particular defendant in changed circumstances.
- 6.4 Where the initial review decision was relatively recent and was recorded in a full review note we found the quality of decision-making to be good, with, generally, the basis for the decision fully set out. In one case, however, we would have liked to have seen rather more detail about the case against each individual defendant. We suspect that the lack of such focus was the reason why that case was allowed to continue against one defendant in respect of whom counsel later advised that it be discontinued. We did not disagree with the decision to prosecute in any of the other cases in the file sample. We also found that Directorate lawyers were in general giving helpful guidance to the police in the obtaining of further evidence and in particularly complex cases, instructing counsel to assist them in making those decisions. In the case referred to, the earlier instruction of counsel would have been beneficial.

- 6.5 In assessing the quality of continuing review we were somewhat hampered by the fact that the reasons for decision were often not recorded on the file, even though, judging by the circumstances as they appeared to us, the decision may well have been the right one. For example, in one long running case decisions were taken to discontinue the prosecution against two defendants on the grounds of their ill-health and although medical reports were present, which no doubt caused the decisions to be made, there was no file note to explain or justify them.
- 6.6 A number of the cases, whether or not they were successful, threw up points that were of general application, sometimes because they involved novel areas of criminal conduct. One such example was a case concerning counterfeit packaging and labels for computer equipment that had significant implications for any future such prosecution. No debriefing or conference occurred and there was no note to Policy Directorate, the police, or within the Directorate itself which extracted the lessons from the case. We have referred earlier to the importance of taking such opportunities.

Case preparation and trial management

- 6.7 These aspects are particularly important in fraud cases and the special regime of transfers, case statements, statements of evidence and preparatory hearings recognises that and requires special attention to be given to them.
- 6.8 Much post-committal/transfer work, such as drafting case statements, preparing the agenda for preparatory hearings and selecting documents for inclusion in jury bundles, is carried out by counsel instructed by the Directorate. The work carried out by Directorate staff at this stage of the case - photocopying, paginating and indexing bundles and delivering them to other parties and to the court - is generally carried out by caseworkers. Since the lawyer is generally less involved at this stage of the case it is obviously of particular importance that the right counsel is instructed and that the caseworker responsible is fully familiar with the special requirements for the preparation of fraud case papers.
- 6.9 We received criticism that counsel of sufficient seniority and experience were not always instructed and in particular that leading counsel were not instructed when the case was of such complexity as to demand it. This in turn can have an effect on the quality of the papers served on other parties and on the court since insufficiently experienced counsel may not be aware of what is required and the Directorate lawyer is often not sufficiently involved at this stage to supervise the preparation of the papers. Specific criticisms related to the lack of indices and contents list and the fact that the papers sent to the court did not identify the lawyer and caseworker responsible, or give contact numbers for them. We also saw examples ourselves where the statements served had not been cross-referenced to the exhibits, which makes absorption of such cases very difficult and time-consuming.

- 6.10 Within our comparatively small case sample, however, counsel instructed were always of sufficient experience and seniority and where necessary, specialism. We saw an example of leading counsel being instructed at an early stage and another example where counsel specialising in money laundering and asset confiscation were instructed in a case which was largely concerned with such matters. The standard of documentary work drafted by counsel was very good.
- 6.11 Instructions to counsel were variable. Whilst we saw examples of very detailed and helpful instructions, there were also some where counsel could usefully have been given a great deal more information and guidance as to the nature of the case and the assistance that was required.

Conclusions

- 6.12 Because of the long-running nature of some fraud investigations and prosecutions, our file sample contained cases that dated back several years. We, therefore, saw examples of close and dedicated involvement of Directorate lawyers, accountants and caseworkers, acting together with counsel and resulting in very professional and effective casework. However, because of the considerations referred to above, we doubt if the Directorate as currently resourced and staffed would be able to handle a new fraud to the standard they themselves attained routinely at one time. The role of the in-house accountant, which was the subject of much positive internal and external comment, has been changed from that of an investigator to that of an assistant in the prosecution and presentation of cases. One of the two accountants has recently left the Directorate, although we understand that he is to be replaced. The number of level E lawyers specialising in these cases is small; an Area like CPS London for example can often offer the services of a Special Casework Lawyer. When fraud itself is becoming more complicated and sophisticated a modern and well-resourced approach is especially called for and to achieve this the Directorate would need to exceed, not fall below, the level of resources once devoted to this important type of work.
- 6.13 There has been a decline in the number of fraud cases being investigated generally, particularly that type of case not sufficiently serious or complex to warrant referral to the SFO. The combination of this factor, together with the police perception mentioned above about the level of expertise within the Directorate, has meant that the Directorate is currently being sent far fewer fraud cases than in the recent past. A number of personnel specialising in fraud have also left the Directorate within the last few years to join other Government departments and prosecuting authorities, thus further reducing the skills and resource base.
- 6.14 It seems to us that a decision is needed as to whether the Directorate should really continue to deal with fraud cases at all or whether it should simply withdraw from this area of work and allow cases to be prosecuted either by Areas or by the SFO, depending on their scale and complexity. To be successfully and efficiently prosecuted fraud cases demand a distinctive approach. Directorate lawyers and, in particularly complex cases counsel, usually need to be involved in formulating the charges or in deciding whether particular individuals should be charged or treated as witnesses. Sometimes, their involvement can be justified at an even earlier stage of the investigation. Some cases require in-house accountancy services. Others may involve an international, information technology or other technical aspect. The case papers

need to be prepared and served with a high degree of care as to their order and presentation. A greater degree of lawyer and caseworker input than in non-fraud cases is required and a complex case may engage the attentions of a lawyer and a caseworker virtually full-time for many months.

- 6.15 At the time of writing this report, the results of an internal review of Headquarters Departments are due to be published. We do not know what this review will say or recommend but it is likely to have some impact on the future of the Directorate. Senior managers may wish to take this opportunity to consider the position in respect of all its casework, but particularly fraud cases. If the Directorate should choose an option which means it will continue handling fraud cases, it should consider its approach in the light of the developing international and IT aspects of fraud cases and develop a strategy accordingly.
- 6.16 We recommend that the Directorate should consider its role in fraud cases to determine whether its current involvement should continue and, if so, review the existing criteria for its handling of fraud cases to ensure that they represent the most efficient use of the expertise and resources of the Directorate and CPS Areas.**

CONFISCATION OF THE PROCEEDS OF CRIME

Overview

7.1 In April 1989, CPS established the Central Confiscation Unit with the aim of depriving criminals of the proceeds of their crimes. The main objective was to create a situation where crime does not pay. The Central Confiscation Unit became the Central Confiscation Branch (CCB) in 1993.

7.2 The current remit of the CCB is to:

- * make and defend High Court applications relating to restraint orders, to deal with proceedings for committal for contempt of High Court orders, to make or defend applications in the High Court for the increase or reduction of the confiscation order;
- * deal with letters of request to foreign jurisdictions to obtain evidence for the confiscation hearing or for the recognition or enforcement of restraint orders and/or confiscation orders;
- * liaise with financial investigation orders (police) with regard to the financial enquiry;
- * respond to appeals against sentence where the appeal is against the confiscation order;
- * decide, in cases within the Criminal Justice Act 1988, whether the case is appropriate for confiscation, notify the Crown Court, prepare the financial statement and assist in the calculation, and brief counsel with regard to the confiscation element; and
- * act on behalf of foreign Governments in the recognition or enforcement of external restraint and confiscation orders.

Staffing and structure

7.3 The previous CCB structure allowed the allocated lawyer to deal with all aspects of the case from the outset through to the enforcement of any confiscation order. Currently, the Branch is arranged into two teams:

- * the Pre-enforcement Team which deals solely with any pre-enforcement applications and issues up to and including the making of the confiscation order; and
- * the Enforcement Team which handles the file once a confiscation order is made, to enforce that order.

7.4 The current staffing structure is as follows:

Grade	Management Posts	Pre-Enforcement	Enforcement
BCP	1		
Level C lawyer		7.8 (9 postholders)	1.1 (2 postholders)
Level B3 caseworker	1		
Level B2 caseworker		3	
Level B1 caseworker		1	5
Level A2 caseworker		6	2
Level A1 caseworker	1 (PS)		

7.5 The Pre-enforcement Team has to work to statutory time limits and court targets and deadlines which require prompt attention to casework. Enforcement work does not involve the same restrictive timeframes and consequent pressures. Some cases may take months or even years to finalise.

7.6 The original single unit structure of CCB was split in an effort to allocate dedicated staff to the enforcement aspect of cases. However, this has led to pressures within the Enforcement Team because of the comparative caseloads. At the time of our inspection there were at least 120 unallocated cases in this section. The increased financial threshold for pre-enforcement work, detailed below, has already reduced the number of new cases and will continue to do so.

Caseload and referral procedures

7.7 The following table shows caseload figures for the last three years:

Year	Registered	Finalised
1999 – 2000	313	250
2000 – 2001	305	236
2001 – 2002 (Q1, Q2 and Q3 only)	410	323

7.8 CPS Areas and police financial investigation units may refer cases to the CCB when they feel that a restraint order should be obtained to preserve assets pending any confiscation order that might be made in the future. The decision has to be made at an early stage, often before proceedings have commenced, in order to prevent the disposal or dissipation by the accused of the assets. The police and CPS Areas are encouraged to contact the CCB by phone in urgent cases. The feasibility of proceeding in each case has to be assessed to consider whether assets can be secured for any subsequent confiscation order. The CCB does not itself take over the prosecution, so that close liaison with the Area is vital to ensure any further appropriate action is taken, for example to vary or discharge the restraint order.

- 7.9 The sum of £10,000 was the point at which prosecutors began in practice to consider whether a restraint order should be pursued, provided the requirements under the legislation are met. The decision-maker has to take into account whether there will or may be sufficient funds left at the end of the case after deductions have been made for living expenses and legal costs. There are also some cases unsuitable for restraint, for example where there is no evidence of risk of dissipation of assets.
- 7.10 The threshold for referral work has increased considerably over the last year, and is currently set by the Directorate at £250,000. The resources of CCB cannot sustain any greater workload. However, it will exclude the majority of cases in which assets might be secured for later consideration of confiscation. CPS Areas will themselves begin to deal with confiscation work at local level in the Crown Court early in 2003 when the new legislation is anticipated to come into force. In the meantime, some cases may well fail to be considered, thereby defeating the spirit of the legislation and undermining the proposed changes.
- 7.11 The police are currently expanding their financial investigation capacity in line with Government policy and in preparation for the new legislation. Many agencies have expressed concern that opportunities for restraint are being missed at present and the capacity of the CCB now has a direct impact on ability to meet challenging Government targets for 2003-2004. One police squad is keeping a record of cases that do not meet the threshold and where assets are potentially lost as a result.

The quality of review in confiscation cases

- 7.12 We examined 27 cases involving 40 defendants which had been handled by the CCB. We looked at files that had been dealt with by the Pre-enforcement Team and the Enforcement Team. We assessed quality and timeliness of decisions in advice cases, proceedings cases, letters of request and appellate cases.
- 7.13 The quality of decisions is generally sound. Lawyers have their own individual caseloads. There is a collegiate atmosphere within the Branch which allows cases to be discussed; this is assisted by the open plan layout. There is, however, no monitoring or dip sampling of review decisions despite the commitment in the Business Plan to regular monitoring of casework decisions by the Directorate's management team.
- 7.14 We saw some examples of a very cautious approach to decision-making. It is perhaps understandable that lawyers need to be confident of a conviction and require more supporting evidence before an application is made in the High Court because costs go with the event. However, caution can lead to delays in obtaining restraint orders. The public interest aspect of the Code has no application in this area of law providing the criteria under the legislation are met. However, in one case, the public interest test was used to justify taking no action.
- 7.15 We saw in our file sample, usually in respect of some of the older cases, many instances where the decision and reasoning to apply for the restraint order had not been endorsed. More recently, a lawyer decision folder was introduced to enable the review decision to be endorsed. In the cases we examined which had such a folder, the review decision tended to be a short handwritten note, far short of the quality found elsewhere in the Directorate.

- 7.16 All actions and reviews are diarised by the caseworkers and some lawyers have their own back-up diaries. The system works well in the pre-enforcement team, all files are reviewed regularly, and the relevant action is taken and recorded. We nevertheless observed some delays in the review of cases, particularly in the Enforcement Team due to the workload and relatively small number of staff. Files also revealed other aspects of delay, for example in responding to written correspondence from the defence, agreeing fees with receivers and reaching compromise settlements. Since our inspection, however, the Enforcement Team has seen an increase in its staffing levels. We are told that reviews are carried out regularly and the issue of delay is being addressed.
- 7.17 Disclosure of documents is generally well done; desk instructions detail the system to be followed. A schedule is prepared after each High Court application which is sent to the Area to be dealt with by the lawyer in the case. Copies of the schedules are retained on the file. However, not all files in our sample contained a copy of the schedule and sometimes an updated schedule was overlooked when further applications were made. The lapses were noticeably in cases where a new lawyer had taken over a case.

Presenting cases in confiscation proceedings

Lawyers in the High Court

- 7.18 The Branch policy has always been to encourage lawyers to present their own cases and this is reflected in desk instructions. Unfortunately the opportunities to do so are limited. Most of the pre-enforcement applications are now dealt with by the Crown Office on the papers and Branch lawyers are unable to conduct contempt proceedings. Opportunities are available to attend court to deal with enforcement work but this is not practical as the Enforcement Team only has two part-time lawyers and a large backlog of cases. Pre-enforcement lawyers have asked to attend court to deal with some enforcement applications to ensure their advocacy skills are not lost but as yet no action has been taken.

Counsel

- 7.19 The lawyer and caseworker share responsibility for preparing instructions to counsel in enforcement proceedings. The lawyer, however, checks each brief. There is a limited choice of counsel who have expertise in this area of law and are able to undertake CCB work in the High Court. The positive aspect of this is the small number of returns of briefs to other counsel. There is no formal monitoring of counsel; the Branch relies on observations from lawyers and caseworkers attending court to inform decisions on counsel's expertise in confiscation cases.
- 7.20 Counsel who deal with confiscation hearings following trial in the Crown Court are selected by the CPS Area which is handling the prosecution; often this is counsel who conducted the trial. It is apparent that, although some are enthusiastic about confiscation issues, many know little of the relevant law. Some are not interested in this area of work, or they see it as a lever to obtain pleas. On occasions a specialist counsel has been suggested by the CCB or separately briefed for the confiscation hearing. This can be very effective but on one occasion in our file sample this happened too late because trial counsel had already forgotten to apply for the extension of the six months time limit.

- 7.21 The CCB seldom sends a representative to the Crown Court for the confiscation proceedings. This is perhaps, in any event, an unrealistic expectation in view of current staffing figures. Therefore, apart from the police financial investigation officer, there is often no one at court with the required knowledge or expertise to ensure that the correct applications are being made or to enforce the instructions about plea bargaining.
- 7.22 The instructions to counsel prosecuting the criminal proceedings in the Crown Court clearly prohibit agreements designed to limit the financial penalty as a basis for obtaining pleas. However, our file sample revealed examples where such agreements were made by counsel, both with and without the approval of the Areas. In one case there was no endorsement to indicate the basis of the agreement and no CPS representative at court. The CCB only discovered the outcome when the defence telephoned the caseworker. In a second case, agreement was reached, contrary to instructions, between trial counsel on acceptable pleas and a limit to the financial orders in respect of one defendant in a multi-defendant case. This subsequently had to be offered to the co-defendants resulting in no orders being made. Not only does this defeat the spirit of the legislation but incurs additional expenditure if applications have been made in the High Court as costs go with the event.
- 7.23 In a further case we could not find any endorsement on the file to explain why a confiscation order was particularly low when assets far exceeded the amount. It seemed likely that there had been an agreement between counsel to restrict the confiscation amount. We noted other cases where trial counsel failed to ask for exceptional circumstances to be expressed in open court when an adjournment was requested. When sentencing was dealt with after the six-month limit expired there was no jurisdiction to deal with the confiscation aspect and substantial orders were lost.

MANAGEMENT ISSUES

Leadership

- 8.1 Casework Directorate has a relatively new management team following a restructuring which started in the latter half of 2000. Some of the newer managers are still adapting to their revised responsibilities and leadership qualities are not yet fully developed.
- 8.2 There is a structured approach to management meetings at Branch Crown Prosecutor (BCP) level and above. The Directorate management team (DMT) meets quarterly and involves all the Senior Civil Servant (SCS) grades plus the BCPs and the Business Manager. The main purpose of the group is to agree strategic direction, approve business plans, budgets and performance measures, and to set priorities and monitor progress. Most senior managers agree that DMT meetings are now more focused, but are still in need of further development.
- 8.3 SCS manager group meetings are held on a fortnightly basis, although the frequency may be reviewed. There was less clarity as to the purpose of these meetings, although they provide a good opportunity to exchange information and ideas.
- 8.4 The Branch Heads Group (BCPs plus Business Manager) meets on a monthly basis. Its main focus is to translate strategic and business plans into operational objectives and actions. It is also responsible for managing performance at operational level and produces monthly reports on progress.
- 8.5 The reputation of Casework Directorate among the agencies with whom they have frequent contact is generally very positive. There are still, however, groups, including some CPS Areas, who are unaware of either their role or performance levels. There is scope for Directorate leaders to improve the promotion of its work, much of which is very good.
- 8.6 Managers have attempted to empower lawyers in their legal decision-making, but not all staff have been receptive to accepting personal responsibility. A more consistent response from lawyers should be sought.

Strategy and planning

- 8.7 The strategic and business planning processes show some sign of improvement for the year 2002-03, although there is still clearly some way to go. Consultation among senior managers is satisfactory, but less consistent at a Branch level. We are pleased to see a greater emphasis on prioritising the key issues to be tackled in the current year. We also welcome the initiative to allocate thematic responsibilities to individual SCS managers which should help improve the tracking and delivery of 'projects' (which has not been a strength in the past) and will add focus to their management responsibilities.

- 8.8 Whilst some review of planning and progress is undertaken, it is not always robust and often does not lead to outstanding items being actioned quickly. A number of the objectives in last year's plan were not achieved in the target timeframes and some have had to be carried over to the current year - some of this may be as a result of over optimistic plans in the past. Formal mid-year reviews of progress submitted to audiences outside the Directorate tend to be more positive than internal documents issued at a similar time.
- 8.9 We recommend that senior managers should take steps to improve arrangements for the review of plans and become more focused on the delivery of actions.**
- 8.10 At the time of the inspection, there were two aspects in particular where we considered that greater clarity of the Directorate's strategy needed to be identified urgently:
- * the role of the Directorate in ensuring effective handling of confiscation and fraud work in the future; and
 - * the respective roles of Casework and Policy particularly in respect of international crime and mutual legal assistance.
- 8.11 Additionally, the changes which will be brought about by the Proceeds of Crime Act 2002 will necessitate a review of the Directorate's strategic approach. This may provide the opportunity to broaden the scope of any such review to include a reassessment of the type of work it should be handling. It is recognised that any such review will need to take account of the views of the Law Officers.
- 8.12 Whilst there is much accord with regard to the types of more serious casework to be handled by the Directorate, there are differing views as to whether categories such as police complaints, unduly lenient sentences and letters of request remain the best use of Directorate staff's time (in light of the problems listed below). These represent the bulk of the cases it handles, although many of them individually do not take too much time or require particular effort.
- 8.13 The increase in terrorism work in recent times has led to increased workloads for some staff. Confiscation cases are being turned away on a regular basis, and a considerable amount of the less complex work is passed directly on to counsel. Therefore, since the Directorate is experiencing difficulty managing its current workload, plans to increase involvement in international crime and 'cyber crime' may be difficult to achieve unless existing resources can be used more effectively.
- 8.14 Resolution of these issues will assist in informing staffing and budgetary strategies and may also have an impact on the structure of the Directorate.
- 8.15 Some overlap of the roles of Casework and Policy Directorates was always likely. However, despite frequent inter-Directorate communication at a senior level, confusion still remains as to the responsibilities of the respective Departments. This lack of understanding has contributed to some tensions between the two Directorates.

8.16 We recommend that Directorate senior managers should seek clarification of its role in relation to that of the Policy Directorate.

8.17 The Government is placing a high priority on confiscation of assets as part of the Proceeds of Crime legislation. Whilst there was a lot of positive activity at the time of our inspection to consider the implications for the Directorate and the CPS as a whole, there was a general lack of awareness among staff and most senior managers as to the likely outcome. Although this issue may now have been resolved, it highlights a general need to improve communications.

8.18 A considerable amount of effort went into ensuring that the third Directorate site at Birmingham was opened in 2001. More detailed plans for some aspects of work at the latter stages might have reduced the minor confusion and duplication. Generally, however, work progressed satisfactorily, and the site was opened within a week of the target date. The Branch is now assisting York and London by handling some of their cases. More recently, Birmingham has begun to take work direct from designated Areas and police forces. It is planning to act as the pilot site for the National Crime Squad (NCS) gateway, but it is unfortunate that this issue was not resolved prior to the opening of the office. There is a risk that no additional NCS cases will be generated, and managers will need to monitor workloads and staffing levels carefully across the three sites, and be prepared to make adjustments if necessary.

Performance management

8.19 The Directorate's performance management system results in monthly reports some of which are of a higher standard than those seen in recent inspections. However, the Directorate recognises that there is room for improvement and was reviewing some of its performance indicators at the time of the inspection.

8.20 Despite the effort put in to the collection of information, there were clearly some gaps in terms of meaningful analysis. Issues which seemed readily apparent as worthy of investigation were not followed up. These included:

- * the high incidence of Crown Court adverse cases. While the nature of cases handled by the Directorate is likely to lead to a higher than normal incidence of such cases, the Directorate's performance indicators showed a significantly higher rate than the national average of around 14%;
- * the percentage of CCB cases which did not result in a confiscation order. There could be a variety of satisfactory reasons for this which are beyond the control of the Directorate; indeed a possible explanation has since been put forward. However, the rate of 50% could not be readily explained at the time of the inspection; and,
- * the number of outstanding CCB cases. The number of open cases shown in the Directorate's performance indicator system was approximately twice as high as that shown in their allocated cases data. There may be some backlogs in finalising cases.

There may be very satisfactory explanations for all the figures, beyond the control of the Directorate. However, the point remains that managers were not readily aware of the reasons. Some possible explanations has been provided to us since the inspection, some of which confirm that there are problems with the accuracy of performance indicator accuracy.

- 8.21 There is also scope for increasing the measures which do not relate to the outcome of a case such as caseload distribution, attendance levels and interim appraisal reviews.
- 8.22 Some quality assurance work is undertaken, by way of dip sampling but it varies greatly between teams and the grades. Some senior caseworker managers were less aware of caseworker performance than might be appropriate. The majority of review notes (which were generally of very good quality) are examined at BCP or SCS level. Managers may wish to consider if there is room for a more selective, targeted approach.
- 8.23 Whilst much of the work conducted by the Directorate is of a high quality, there is wide variance in the performance of individual staff which needs to be addressed. We cover this in greater detail in the Management of human resources section of this report.
- 8.24 We recommend that the Directorate should consider its needs in respect of performance information to establish a system of PIs which will best assist management of its casework performance.**

Organisation and structure

- 8.25 We have referred to the structure of the Directorate in paragraphs 1.8 and 1.9. While accepting that the importance of certain work conducted by the Directorate necessitates a commensurately high proportion of senior staff, it is less obvious that they require such a high number of managerial posts. Overall, there are seven level E managers (BCPs) and five SCS staff (one with no line management responsibilities) to manage just over 50 lawyers - the level Es manage the C2s and the SCS managers have 13 level Es, including the BCPs reporting to them. In addition the Directorate has a secretariat to support day to day management.
- 8.26 This contrasts with almost all of the lawyers being graded at level C2. This has been a major factor in the high staff attrition rates experienced in the recent past. It is also believed to have been the most significant prohibitive factor in recruitment. An external review of grades commenced in October 2001 after the issue was first raised in July 1999, although we understand that decisions are now imminent. We were pleased to be note that the DMT had started planning on a contingency basis for each of the likely outcomes.
- 8.27 At the time of our inspection, there were six level E lawyers (non managers) in post, which led to some minor complications in terms of reporting lines. This issue has since been resolved in respect of future appointments, though the problem with the existing posts remains. There are, additionally, a few anomalous roles which are not fully understood by other members of staff, and this can give rise to occasional feelings of unease.

- 8.28 At non-lawyer level, the structures are similar to a CPS Area with B2 and B1 managers to lead the administrative staff. Some teams have only recently appointed B1 line managers.
- 8.29 The Directorate reorganised in June 2000 at which time it removed a layer of management at Team Leader level (D grade). There followed a period of some six months during which an interim management structure was in place due to difficulties in the recruitment process for BCPs.
- 8.30 Most of the staff were quite happy with the change and many commented positively on the spirit and commitment within their own team. Previously, teams had been based more on specialisms, and some staff were of the opinion that the previous system was preferable.
- 8.31 The role of the BCP is well understood, but there was less clarity with regard to SCS managers' responsibilities, although it is recognised that they devote significant effort to serious casework such as deaths in custody.
- 8.32 This is a time of change for the Directorate and managers will need to ensure that they continually review their structures to ensure that they remain relevant to their needs.

Management of financial resources

- 8.33 Overall the Directorate ended the year 2001-02 within its administration costs budget, although the profile of the spend between salary and general administration costs was different than shown in the budget. This was primarily due to the opening of the Birmingham office, which incurred set-up costs in respect of IT and telecommunications, and staffing levels at a lower than planned level.
- 8.34 However, we consider that the funding arrangements for the Directorate are not ideal in that there is a lack of precision in negotiating the budget. Whilst accepting that they are different from CPS Areas, there does not seem to be a systematic approach towards identifying the numbers of staff needed for the work undertaken. The process of using last year's budget plus known major changes is only valid if there is certainty that the Directorate was properly funded initially.
- 8.35 Budgetary controls and the monitoring of expenditure appear to work satisfactorily overall, but could be more detailed in some respects. The Directorate is assisted in this by the fact that it does not face many of the variable costs, such as agents' fees, postage, and accommodation which require additional controls in terms of committed expenditure. Monthly projections and analysis of spending are a standard feature of the Directorate's monthly reports.
- 8.36 In order to meet the agreed strategic aim with regard to becoming the gateway for all NCS work, the number of staff has grown considerably in the latter half of the year. This coincides with a decrease on overall caseload, although the effect on workload is more difficult to establish. Directorate staff expressed the view that the type of work currently being undertaken, with big increases in complex work involving terrorism and deaths in custody, is so complex that the pressure of work is increasing. Whilst it will need to be better resourced than an Area because of the complexity of some work,

the question is by how much. More robust analysis of case throughput and staff deployment could be used to inform decision-making. There is at present no hard evidence that the increased resourcing is fully justified by a corresponding increase in workload.

- 8.37 We consider this involves elements of risk which will require careful monitoring, particularly in light of the lack of information from the NCS with regard to anticipated future volumes of extra work and the proposed transfer of confiscation work. The Directorate was originally given an extra £1.6 million from the CJS reserve fund, primarily to set up the third site at Birmingham and improve confiscation work, although a significant amount (£500,000) was not used and returned to Headquarters almost immediately.
- 8.38 A significant amount of work was being put out to counsel because of perceived pressures and CCB business has been cut back. Hopefully this will have reduced in more recent times as staff numbers have grown. We refer elsewhere in this report to the need for a more sophisticated staffing strategy, which will be linked to the type of work to be undertaken and will drive the budget requirements.
- 8.39 If the Directorate is to continue with work such as unduly lenient sentences, letters of request and police complaints, then it may be possible to use a variation of the standard CPS activity based costing (ABC) model to calculate staffing levels required to do this type of work.
- 8.40 We were a little surprised at the lack of awareness about cases in which costs were awarded against the CPS, although the required information was quickly made available. Whilst the amount was high at almost £200,000, most of the money had been incurred in respect of Judicial Reviews, which were outside the control of the Directorate.
- 8.41 Whilst each Branch has its own budget, this is only in respect of running costs. The Secretariat controls the budget, and this includes making decisions on recruitment. Some managers would prefer to have a greater degree of budgetary control at Branch level.
- 8.42 Generally, fees are well managed, with the possible exception of those for expert witnesses, where failure to agree rates in advance has caused problems. This has occasionally led to failure to obtain value for money. Managers will, therefore, want to make sure that staff follow the correct procedures and negotiate fees before the trial.
- 8.43 Travel and subsistence expenditure is comparatively high (approximately £250,000) although the nature of the business transacted dictates that a considerable amount of travel is always likely. Attempts by the Business Manager to persuade staff to optimise expenditure had not been particularly successful at the time of the inspection.

Management of human resources

- 8.44 The level of staff morale is mixed, although there has been improvement among administrative staff. There is a very relaxed working atmosphere within the Directorate, which most staff commented positively upon. Many Branches had held team building days in the latter part of 2001 and these were generally well received.
- 8.45 Whilst we recognise the developmental opportunities, there is a good deal of concern regarding the work and grading of level A2/B1 staff. Level A staff have undertaken work normally handled by level B staff, particularly in attending courts in serious cases. The problem is exacerbated by the fact that the staff who routinely undertake level B tasks have been unable to secure full time jobs at that grade. We were pleased to find that the Directorate has provided some training on competency based interviewing to help staff progress their careers.

Staffing and deployment

- 8.46 Staff attrition has been high of late with many experienced staff leaving for other Government Legal Service or CPS posts. A particular concern for lawyers is the belief that it is possible to obtain a higher graded post elsewhere for what is perceived as less difficult work.
- 8.47 One of the difficulties faced in the latest recruitment drive has been the fact that the CPS Areas nearest to the Directorate's three sites, and from which most Directorate staff are recruited, also have severe staffing difficulties. Consequently, delays have occurred in new recruits taking up posts in the Directorate because they could not be immediately released by their Area.
- 8.48 We have already commented on the increase in staff over the past year. The next few months will bring clarity to a number of strategic staffing issues but will probably present the Directorate with a new set of challenges. The key issues which will affect strategy are:
- * the grading issue for lawyers, which may lead to a slow down in the rate of lawyer departures;
 - * the role and involvement of the Directorate in developing strategies to deal with international crime;
 - * the future of CCB in light of changes to be brought about by the Proceeds of Crime Act, which become effective in January 2003; and
 - * the outcome of the pilot in Birmingham with regard to the NCS gateway.
- 8.49 It is quite possible that the Directorate could find itself with an imbalance of staff and workload. Some thought has already been given to the possibility of redeploying work and staff between offices to take account of the capacity at Birmingham. However, managers will need to monitor the situation carefully to minimise the risks.

8.50 We recommend that the Directorate should revise its staffing strategy to create closer links between the forecasts as to the mix and volume of work received, and the business planning and budgeting process.

8.51 The allocation of work between teams and to individual members of staff is a little inconsistent. In some instances similar work is split between two of the London Branches, in part, on an alphabetical basis. Some managers keep records of the cases allocated to individual team members in an effort to ensure fair distribution of work, both in terms of volume and complexity; others do less. The case management system (CAMS) used by the Directorate is capable of monitoring the number and type of cases allocated to each lawyer, but the facility could be used more effectively by some managers. Whilst recognising that the complexity of certain cases will impact on the volumes handled by any one person, the information suggests that there may be an imbalance. A large percentage (71.4%) of lawyers have had less than 20 cases registered to them in the past year. We recognise that this includes some lawyers who have joined or left part way through the year and is therefore a little distorted. Of the three lawyers who have handled over 40, two are BCPs and all include a high ratio of letters of request and unduly lenient sentence cases. We acknowledge that numbers alone may not paint the whole picture, but would encourage managers to seek to improve their understanding of individuals' workloads by more consistent monitoring, using all available data as well as their own experience and knowledge.

8.52 There is a high level of caseworker coverage in courts and many representatives from other criminal justice agencies commented positively on this aspect of case management. We, naturally, support effective use of Directorate caseworkers in court, although we had some minor concerns as to whether the deployment of caseworkers was as well planned as it might have been. In this connection, Directorate managers will also wish to consider the following aspects further:

- * reduction in the incidence of last minute replacement of level B caseworkers with a less experienced level A member of staff, particularly in provincial courts and with complex cases;
- * greater clarity and consistency with regard to the role of the caseworker in court; some produce excellent notes of proceedings, others produce little;
- * evaluation of which CPS staff need to be in court (and when) for particular cases;
- * involvement with victims and witnesses when the caseworker's own presence in court is not essential; and
- * increasing the understanding of line managers of what caseworkers do and how well they do it.

8.53 There were some signs of a collegiate approach in terms of staffing, for example LB3 'gave up' staff to another Branch whose need was deemed to be greater. We received positive comments from some staff on co-operation between Branches, but others expressed the view that they operate independently, with a somewhat insular approach. This was particularly true in the case of CCB which does not interact much with other teams.

8.54 Overall, we consider that there is opportunity for improvement in the effective deployment of staff.

8.55 We recommend that the Directorate should review the work allocation arrangements at both Branch and individual level.

Training

8.56 The nature of much of the work undertaken by the Directorate poses additional challenges in terms of training. In some cases the expertise does not exist widely outside the Directorate and, therefore, internal training is often the best solution. A reasonable amount of on the job training has taken place, allied to some external courses, and legal seminars. At the time of our inspection, level B2 managers were in the process of finalising and delivering some internal training on topics such as CAMS and the selection of counsel.

8.57 We were pleased to note the efforts made to train additional staff in specialist skills such as extradition. With only a limited number of staff (in some cases one) expert in particular types of work there has been a risk that the Directorate would be exposed if key staff were absent. The risks are being reduced and staff are also benefiting from this aspect of personal development.

8.58 The staff at Birmingham were able to undertake a considerable amount of on the job training in the early days of the new site. There has been good co-operation between Birmingham and York in developing office systems and associated training.

8.59 On a less positive note, there have been some difficulties with training in the last year, especially for more junior staff. In previous years the Directorate has had a dedicated training officer, but this was not the case in 2001-02 as the individual left the Directorate. Instead, it attempted to use the services of one of the national training officers to manage the programme for them. In reality, this was not practical because of the nature of the Directorate's work and some training activity has suffered as a result. We consider, however, that the Directorate could have done more to ensure that training received the appropriate attention, particularly in light of its budget position. A training officer for the whole of CPS Headquarters has recently been appointed with a commitment to focus much of his time on the Directorate. This should help greatly, and managers will want to ensure that training can be prioritised based on the needs of the staff and the Directorate's business.

Performance appraisal

8.60 Staff expressed mixed views over the appraisal process. Many perceive that managers are purely 'going through the motions', although most were happy with this approach. A few, mainly at more junior levels, felt that they had not had a formal appraisal at all.

8.61 Interim reviews do not occur consistently within all Branches. There were some encouraging signs that staff are increasingly being given personal and team objectives in addition to the generic standard set for their respective roles.

- 8.62 The Directorate's Business Manager sees the reports for all staff given above average assessments to ensure a consistent approach.
- 8.63 However, a high number of staff commented that the issue of under performance is not yet being effectively tackled. A variety of reasons, including equality and diversity issues, lack of support from personnel and individual previous experience were mentioned. We accept that dealing with performance can be a difficult issue and may take time. It must, however, be tackled. The Chief Executive of the CPS recently commented that 'leaving underperformance untackled is unfair'.
- 8.64 We recommend that the Directorate should further develop its strategy for performance appraisal which ensures the best development of individual potential and that underperformance is effectively dealt with.**

Managing attendance

- 8.65 Attendance management controls appear to be quite lax. Flexi-time works on a trust basis but there is a perception among some staff that others take advantage of this. Managers were not always aware of the working patterns of staff and whether they were compatible with business requirements.
- 8.66 Sickness management is not consistently robust and managers are often late in completing appropriate paperwork. An examination of the sickness log showed that seven staff were still recorded as absent from January (with green forms not returned) whereas in reality most of the staff had returned to work weeks earlier.
- 8.67 The Directorate is kept informed by Headquarters Personnel of an individual's cumulative absence rate. The Secretariat is quite strict in terms of issuing warnings to staff who have reached the limits in terms of absences. Some staff believe they are a little over strict at times.
- 8.68 We accept that it is the culture of the Directorate to be relaxed with a desire to minimise formal controls and perceived bureaucracy. Managers must, however, be able to assure themselves that people follow guidance sensibly and fairly, with no abuse of trust.

Internal communications

- 8.69 Communication is not regarded amongst staff as being particularly effective. Examples of people not knowing about key issues were:
- * the lack of awareness of many senior managers as to what happens at the meetings between the Directors of Casework and Policy, which are scheduled on a fortnightly basis; and
 - * the lack of up to date information generally available on progress on and the implications of the Proceeds of Crime Act and the Directorate's response.

- 8.70 Conversely, we were made aware of occasions where the same information was circulated to staff from three separate sources. These issues are recognised and acknowledged and the Business Manager is currently attempting to filter information so as to reduce the incidence of such examples.
- 8.71 The Directorate has a Sounding Board and the Directorate participates in the Headquarters Whitley Council, in addition to holding its own quarterly council meetings. There was a period of almost a year where the Directorate Whitley Council did not meet, but meetings have resumed since October 2001. As with more general issues, matters raised at these meetings occasionally drift on longer than ideal.
- 8.72 Branch meetings do take place but to varying degrees. There were signs of continued improvement in terms of liaison between BCPs and B2 managers.
- 8.73 Clearly there is still the need to improve communications within the Directorate, though efforts have already started in this respect. Much information is still in the form of hard copy, though the installation of Connect 42 now provides greater opportunity for faster electronic transfer of information.
- 8.74 We suggest that the Directorate should further develop its communications strategy, including the use of IT.**

Accommodation

- 8.75 Two of the three sites are within Headquarters buildings, with a consequent reduction in control and management by Directorate staff. There were no serious issues raised at these sites, although lack of storage space and photocopying facilities were the cause of some minor frustration. Some work was underway at London to improve storage.
- 8.76 The Directorate used to have a dedicated unit (Visa) dealing with particularly sensitive cases involving police officers. The staff are now an integral part of LB3 and consideration has been given to relocating them from the seventh floor in London, to merge with the rest of the Directorate staff on the fifth floor. Concerns over security have deferred the move for the moment, although the Divisional Head who manages the unit has moved to the fifth floor.
- 8.77 There is a slight risk that 'hot-desking' may be necessary in London in the unlikely event that staff numbers continue to grow.
- 8.78 Birmingham is a spacious well-appointed office which is fully equipped to hold 30 staff although there were only 14 at the time of our visit.

Security

- 8.79 Additional checks are in place on staff recruitment, which can slow down the employment process, although this has improved of late. Some staff are now recruited with provisional security status, pending the outcome of additional vetting. An error occurred which was not the fault of the Directorate but which led to staff being employed in Birmingham without the appropriate checks. Managers will want to ensure, in conjunction with the Personnel Directorate, that proper procedures are followed in future.

8.80 Compliance with a clear desk policy has been a little mixed, mainly on account of the lack of secure storage space. Staff appeared conscientious in many respects with regard to security issues. One issue regarding security has been addressed separately with managers.

Equality and diversity

8.81 The Directorate has a diverse workforce, with a high proportion of minority ethnic and female staff. Awareness of the CPS drive to improve in this sensitive aspect was widespread and many staff had attended formal training courses on equality and diversity. Managers operate an open door policy and encourage staff to voice their concerns on any issues. There have been a few occasions where this has led to unacceptable behaviour being discussed with the staff involved, with the result that the situation has been improved or resolved.

8.82 A Diversity and Racial Equality Action Plan was drawn up in 2000 and has subsequently been updated with the Directorate's responses and actions, although it was not clear when the last update took place.

8.83 Most staff are happy that the Directorate is operating family friendly policies in a sensible way. However, we encountered concerns that there was an inconsistent approach to part-time working. This was primarily an issue at York where level A and B staff felt disadvantaged by local management decisions which they perceived precluded B1 caseworkers from working part-time. There appeared to be a difference of opinion as to whether there was a policy of no part time B1s, or whether the perception was based on the result of an individual case where business circumstances did not allow for an individual to work part time. A better-communicated policy may need to be sought, to ensure that everyone is comfortable with the Directorate's approach, which will need to take account of both individual and business needs.

8.84 We suggest that the Directorate should review and restate its policy in relation to part time working arrangements.

8.85 The nature of Directorate work does not lend itself particularly well to community liaison, and therefore there is little activity. One of the BCPs (the Directorate's champion on equality and diversity issues) has offered support and training to CPS Areas on handling cases involving racial elements, and, at the time of the inspection, three had taken advantage of the offer.

8.86 We have already mentioned our concerns with regard to managing under-performance. Fear of the repercussions of trying to deal with poor or marginal performance was cited as a contributory factor for not taking appropriate action. There has been a small amount of employment tribunal activity in the past, which has acted as a deterrent to some managers.

Performance indicators

- 8.87 The Directorate has its own case management and performance indicator system (CAMS). The system was developed externally. Whilst minor adjustments to the system can be done internally, any major redevelopment work would need to be carried out by external consultants. This, combined with a lack of system support, lead to some constraints and risks on the use of CAMS.
- 8.88 The performance and reliability of the system has improved since changes were made to the network infrastructure. The system now operates on a stand-alone server, which is more secure and faster.
- 8.89 Some Directorate staff are quick to question the integrity of performance indicators (PIs), particularly when the outcomes are not perceived as being favourable to the Directorate. However, they were unable to identify what actions they had taken to rectify any perceived inaccuracies. Whilst some attempt is made to validate the core information, which is sent in draft format to the BCPs/B2s for checking, responses are rarely received. Information received since the inspection has highlighted the need for an improvement in the accuracy of input, and this needs to be urgently addressed in the training being planned by the B2s.
- 8.90 System generated data forms the basis of much of the monthly performance reports. We were, therefore, even more disappointed that there were doubts about the reliability of the data which had not been addressed. We were particularly concerned to be told that files were being opened erroneously, with a result that the number of cases transacted was being overstated.
- 8.91 We consider that the analysis of data needs strengthening and we have referred to the need to improve the management of performance data in paragraphs 8.19-8.24.
- 8.92 Paradoxically, the CAMS system has a good query facility, which is used to generate a substantial number of ad-hoc reports. Again, we consider there is scope for more targeted, effective use of this useful data management tool.
- 8.93 Files relating to sensitive cases involving police officers are recorded on a stand-alone case tracking system because of security concerns, but some case details were input into CAMS recently to emphasise the workload in LB3.
- 8.94 Because the nature of its work is different from that of the rest of the Directorate, CCB has its own system of PIs. However, the system is more a means of recording information rather than measuring performance and does not yield a great deal of meaningful information for managers. We understand that work has been conducted since the inspection to improve the value of CCB's performance indicators.
- 8.95 We also noted that there are currently three case examiners within CCB at B2 level whose current role is to liaise, advise and assist in drafting financial statements and any supplemental statements. The cases they deal with are recorded by each examiner in an individual register as they are not capable of being entered on CAMS. It was not clear how it was used by managers in managing casework and assessing performance.

Complaints

- 8.96 The quality of responses to complaints was usually very good. Replies were, on the whole, very sensitive, although there were a few which we considered to be slightly brusque in tone. Complaints are generally dealt with by BCPs, although Divisional Heads are aware, through discussion of cases with BCPs, of the approach being taken and receive details of complaints in the monthly Branch reports.
- 8.97 Almost all responses were very detailed and dealt with the issues raised by the correspondent. It is encouraging that the Directorate is willing to accept responsibility in those instances where they believe they could have performed better.
- 8.98 We examined one file in which simple mistakes in the initial letter to the correspondent led to an avoidable lack of confidence in the lawyer's decision and unnecessarily protracted the correspondence.
- 8.99 There is occasional slippage in terms of timeliness of responding that managers will want to monitor. They will also want to ensure that all complaints are recorded, as this had clearly not been the case in the recent past.
- 8.100 Complaints are mentioned briefly in the monthly report. The information recorded is limited, however, noting the name of the correspondent, the offence and the timeliness of response.
- 8.101 There was little in the way of consistency of systems amongst Branches. Different forms, logs and filing systems existed and the use of CAMs had been inconsistent. Even where forms were available, they were rarely used.
- 8.102 We suggest that the Directorate develop a uniform system for the handling of complaints drawing on guidelines issued recently by the Joint Standing Committee on Good Practice.**

External communication and liaison

General

- 8.103 The lack of any geographical alignment between the Directorate and the courts and the police makes arrangements for formal liaison difficult. The Directorate has regular day-to-day contact with a number of external agencies, including CPS Areas. Although working relationships are generally regarded as effective by all agencies, there is little formal liaison with any of them and the Directorate does not see the need.
- 8.104 The Inspectorate's report on Central Casework recognised the difficulties resulting from the Directorate's role in CPS but considered that more formal liaison would build upon the existing relationship with some agencies, particularly in relation to consideration of strategic issues. The report recommended the establishment of a more formal meeting structure with the following agencies:

- * Metropolitan Police Specialist Operations;
- * National Crime Squad;
- * Police Complaints Authority;
- * United Kingdom Central Authority;
- * Judicial office of the House of Lords;
- * Bow Street Magistrates' Court.

8.105 The Chapter 9 Implementation Group, which reported later in the same year, identified a number of organisations (including those above) with whom it might be considered the Directorate should have arrangements for liaison. The report set out the then existing arrangements as well as its proposals for future liaison. We deal specifically with some of these in the following paragraphs but in general much progress has been made in this respect, though there is still some way to go in some cases in establishing the structure envisaged in the last report.

8.106 The Directorate, however, plays a full part in joint initiatives with other criminal justice agencies when required, for example with the police in respect of cyber crime. Directorate staff have regular contact with the Home Office on a number of issues and with the LSLO in respect of individual cases as well as on more general matters.

8.107 The Director, Casework has regular meetings with the Director, Policy (which are referred to in the next section) and tripartite meetings involving the two Directors and a senior representative of the LSLO.

Policy Directorate

8.108 The Policy and Casework Directors have fortnightly meetings. These provide an opportunity to exchange information and discuss matters of common interest. They are not concerned with strategic issues. Senior staff from Policy and Casework Directorate also have regular meetings. Again, the discussions are concerned more with exchanging information, although we were told that information from the meetings is not always communicated to other staff within Casework Directorate.

8.109 Policy Directorate's role includes the development of prosecution policy and provision of guidance to CPS Areas on all aspects of the criminal law. There is sometimes an overlap in responsibility for certain issues, particularly in respect of new legislation or the promulgation of casework policy following new caselaw. In such instances, staff from both Directorates co-operate on a project basis to research the relevant issues and provide authoritative guidance, within the very short timescales usually required by the importance of the topic.

- 8.110 There is particular overlap of responsibility on international issues between the work of the Directorate and Policy Directorate's European and International Division (EID) which was established less than two years ago. Casework Directorate is responsible for dealing with extradition cases and for mutual legal assistance with other countries (letters of request). This, as we later refer to, brings it into regular contact with other Government departments and agencies which have international responsibilities. EID, however, has responsibility for development of policy on these issues, although the Directorate has made a significant contribution whilst EID was becoming fully established. We detected, as did members of the team which inspected Policy Directorate at the same time, some tensions about who was best placed to handle international issues.
- 8.111 Both Directorates are aware of the implications of this overlap and are actively seeking to address it. We applaud this but think that the process should be accelerated and more co-ordinated than it is currently. The Directorate recognises that some types of the more serious crimes with which it deals are assuming a more sophisticated aspect and international emphasis which it needs to be ready for. CPS Headquarters as a whole, however, and not just the Directorate, needs to be able to demonstrate that it has the appropriate structure, capacity and expertise to meet this challenge.

Legal Secretariat to the Law Officers

- 8.112 The Directorate has regular contact with the Legal Secretariat to the Law Officers (LSLO) on a number of issues. There is almost daily contact in respect of unduly lenient sentence cases and some more formal liaison in respect of wider casework and casework policy issues. Relationships are professional and friendly at all levels.

CPS Areas

- 8.113 Most contact with Areas is informal relating to specific issues in individual cases. Relations on an individual basis are generally cordial though there are sometimes frustrations which surface on both sides. BCPs try to attend family group meetings for those Areas which they serve in order to promote a better understanding of the Directorate's work.
- 8.114 The Director, Casework has frequent contact with Areas in both formal and informal forums. He also takes part in the Headquarters programme of Area visits.

Police

- 8.115 The Directorate's Divisional Head at York represents the Directorate at national level in liaison with the National Crime Squad (NCS). The Directorate and the NCS hold formal meetings twice yearly. These involve the Director, Casework, the Divisional Heads and senior NCS officers. It is intended to establish a system of local meetings between all the NCS regions and all three Directorate sites as a means of building upon the relationship and discussing issues of mutual concern. These meetings will be quarterly initially and then as the need arises.

- 8.116 Restrictions in the Memorandum of Understanding currently mean that NCS has only limited day-to-day involvement with the Directorate. Most contact is with CPS Areas. However, the development of the “gateway” system, which is being led within the Directorate from Birmingham, is increasing liaison. Some work is currently being undertaken to integrate the NCS case tracking system (ATHENA) with the Directorate’s systems. It is planned to provide each of the Directorate’s three sites with terminals to assist in case progression.
- 8.117 Discussions between the Directorate and the NCS about the gateway were still continuing at the time of our inspection. Although Birmingham office will operate the pilot, the details have not been finally concluded and depend on the progress of staff recruitment.
- 8.118 Relationships with other branches of the police are equally good, though perhaps less formal, relying on day-to-day contact in individual cases. Inspectors were told of the excellent relationship between the Casework Directorate and the Metropolitan Police Professional Standards Department. There is also particularly good co-operation in respect of terrorist cases. Senior officers have a direct line to the Director, Casework if they need to contact him and have access to Directorate lawyers at weekends if necessary. Directorate lawyers now attend ministerial briefings when required with representatives of the Terrorist Branch.
- 8.119 A similar level of contact and co-operation exists between the Directorate and the Metropolitan Police Serious and Organised Crime Group.

Financial Investigation Units

- 8.120 There seems to be a very good relationship with the various financial investigation units countrywide. The CCB are helpful with telephone requests for information and provide copies of stated cases when required. They are seen as invaluable in providing advice and guidance in the more complicated cases especially against a backdrop of some reluctance by CPS Areas to get involved in the confiscation issues in a case.
- 8.121 The CCB could be more proactive as they tend to rely on the police to be the main liaison point between all parties. In addition, as the Branch deals with the 43 police forces and the specialist squads, the relationship with each could benefit from the structure of service level agreements starting with the initial contact and continuing throughout the various stages in the life of a case. Weekly postings of case law could also reduce the overall number of requests for help and duplication of CCB work, as would the establishment of a single point of contact at practitioner level for each police force.
- 8.122 The CCB participated in the police training of financial investigation officers and in return received places for CCB staff. This stopped when the work commitments of the lawyers became too great. The Casework Directorate Business Plan 2001-2002 stated that joint police training would be re-introduced in January 2002, this objective has not been achieved and the situation is unlikely to change.

Health and Safety Executive

8.123 Much of the work of the Health and Safety Executive (HSE) does not concern the Directorate. However, the Directorate has regular contact with the HSE on investigations and prosecutions where issues of safety are involved or there is a possibility that an offence of corporate manslaughter may have to be considered. In the latter instance, cases involve very difficult issues which need to be taken into account at an early stage of any investigation. Such cases often involve a number of different agencies and a national protocol has been established to regulate the conduct of investigations.

Security Service

8.124 The principal contact between the Directorate and the Security Service is in respect of cases involving issues of national security such as terrorism and espionage. There are well-established arrangements for dealing with evidence where presentation (eg. the use of screens to protect witnesses) may be necessary and handling unused material.

8.125 Relationships between the two organisations have strengthened over the last three years, and the formal meetings which were proposed in the central Casework Inspection Report have not been found necessary.

Secret Intelligence Service

8.126 The Directorate similarly liaises with Secret Intelligence Service in appropriate cases on a number of issues which include evidence, unused material and witness protection. There is a generally good level of co-operation. The Directorate is careful to restrict its involvement to giving advice and is not involved in operational issues. Contact is regular, though informal and restricted to casework issues.

Serious Fraud Office

8.127 The Directorate enjoys a very good working relationship with the Serious Fraud Office (SFO). Contact is regular both formally and in respect of routine casework issues. The Directorate's York Divisional Head meets regularly with an Assistant Director in the SFO as part of the Joint Vetting Committee (with a senior police officer) to discuss allocation of the more serious cases.

United Kingdom Central Authority (Home Office)

8.128 The Directorate has frequent contact with the United Kingdom Central Authority (UKCA) on a number of issues, principally extradition and letters of request. Liaison is usually informal on a case by case basis. Relationships are good at all levels and the UKCA particularly value the Directorate's expertise and advice in dealing with export extradition cases.

CONCLUSIONS, COMMENDATIONS, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 9.1 Casework Directorate handles a range of cases characterised by their specialist nature or their involvement of particularly difficult aspects of law and practice. It draws its work from police forces across England and Wales. Many of its cases present challenges in respect of both complexity and volume of evidence. The Directorate is therefore required to be both a centre of excellence, as the Glidewell report put it, and flexible. The pattern of its casework is susceptible to frequent change. For example, the events of 11 September required it to refocus its resources quickly on to terrorism after a period where the peace process in Northern Ireland had led to a decrease in such work; a spate of railway accidents had brought forward several large cases with a view to possible proceedings for corporate manslaughter. By contrast, a series of major police corruption cases has now been largely dealt with and the special team established is being re-integrated into the Directorate itself.
- 9.2 We found that in general Casework Directorate discharges these functions very well. It is well respected within the CPS and also by other criminal justice agencies. Its expertise in specialist areas of law has enabled it to achieve and maintain a high standing amongst its partners.
- 9.3 The Directorate has a relatively new management team. Development work since our 1999 report (when it was known as Central Casework) has endeavoured to streamline and strengthen management arrangements. Planning processes have improved. The Directorate has greater strategic direction and there is a greater emphasis on prioritising key issues for action and monitoring progress. Even so, further work needs to be done to refine the planning processes, particularly in relation to staffing and the management of financial resources, to achieve a better match between commitments and those resources. Inspectors recognise that the uncertainty reflected above does not always make that easy.
- 9.4 The Directorate has a system of performance management, although there is a need to strengthen the analysis of information and data in order to inform the decision-making processes.
- 9.5 The third site at Birmingham is well established, although not yet fully operational. Arrangements for the office to act as a pilot site for the National Crime Squad gateway were not as well advanced as they might have been. It is important that that initiative be progressed with all possible diligence; the assumption by Casework Directorate of that role was the prime rationale behind the third site. That additional role for Casework Directorate was also the basis for additional funding at a time when, otherwise, its caseload appears to be diminishing.
- 9.6 As with many CPS units, staff morale has been mixed. Staff generally view the interesting and important nature of the work as a positive factor. Grading issues, particularly in respect of lawyers, and the recent uncertainty over the future of CCB (arising from the changes which will flow from the Proceeds of Crime Act 2002) have caused some anxiety and insecurity but both issues are moving towards a resolution.

- 9.7 A key feature of the Directorate's casework is the high volume of advisory work with the police often submitting cases well before any question of charging arises so that the Directorate may advise as to how to proceed. In many instances, the nature of the advice sought is whether any criminal conduct is revealed at all.
- 9.8 The standard of review in all aspects of casework is sound and is generally well reflected in lawyers review notes. Case preparation is very good. Most cases are dealt with at the Crown Court. The quality of instructions to counsel, however, varies and could be improved. Although counsel may have been involved with a particular case for some time and from a very early stage, there remains scope for improvement in the quality of the instructions given.
- 9.9 Inspectors received general praise for the way in which the Directorate carries out its specialist casework functions. The work of Central Confiscation Branch is of a good standard, but there inspectors had concerns about backlogs in the processing of cases and the adoption of a high threshold for asset recovery in order to control the flow of work. The review of unduly lenient sentences by the Directorate is valued by the Legal Secretariat to the Law Officers.
- 9.10 There is a need for the Directorate to review the handling of fraud cases. Arrangements between the Directorate and Serious Fraud Office for the allocation of fraud cases are overseen by a joint vetting committee and work well. There has, however, been a decline in the number of fraud cases being investigated generally, particularly that type of case not sufficiently serious or complex to warrant referral to the SFO. It is not clear to inspectors that the volume of fraud work being undertaken within Casework Directorate would sustain the level of specialist resources necessary to handle it properly. Managers will wish to address that. In addition, there is a need for the operation of arrangements between the Directorate and CPS Areas aimed at ensuring that appropriate cases are transferred promptly to the Directorate to be strengthened.
- 9.11 The relatively few cases handled by Casework Directorate where defendants are remanded in custody has led to a lack of familiarity with the custody time limit regime. Training and guidance is necessary in relation to what could otherwise represent a significant risk.
- 9.12 The Directorate generally enjoys good relationships with other Headquarters Departments, CPS Areas and other criminal justice agencies. We welcome its policy of establishing more formal liaison arrangements. These will serve it in good stead. A time of further change seems likely since CPS Headquarters has recently undergone a comprehensive review of its structure and work. At the time of writing this report, publication of the results is imminent. This is only one recent initiative which is likely to have some effect on the management and work of the Directorate. We are, however, confident that the commitment and experience of its staff, together with its structures are sufficient to enable it to tackle future developments with confidence.

Commendations

9.13 We commend the Directorate on the following:

- * **Review notes** – lawyers record details of their casework decisions in review notes which are a detailed and logical consideration of the evidence and issues. The quality of those we saw was generally excellent (paragraph 2.23);
- * **Extradition cases** – Directorate lawyers are particularly astute and helpful in dealing with extradition requests (paragraph 4.15);
- * **Witness care** – Directorate staff have adopted a responsible policy of co-operation with the police in providing information on case progress and continuing care to victims and their relatives in prosecuting cases involving high fatalities and victims with serious injuries (paragraph 5.16).

Recommendations

9.14 With a view to improving the Directorate's performance, we recommend that:

1. the system of file allocation should be reviewed to ensure a more even distribution of work. BCPs should regularly monitor the caseloads of individual lawyers and caseworkers (paragraph 2.14);
2. guidance should be issued setting out the criteria which determine the point at which a full file of evidence is to be treated as submitted to ensure a consistent approach in monitoring the timeliness of review (paragraph 2.32);
3. the Directorate should review the level of detail supplied to the police when explaining decisions not to proceed, including references to the relevant evidential and public interest factors which have influenced the decision and which reflect the considerations of the reviewing lawyer (paragraph 2.50);
4. the caseworker and lawyer should prepare formal written reports in all adverse cases. The reports should be submitted to the BCP, analysed and the results of the analysis published to all Directorate staff to ensure that appropriate lessons are learned from casework (paragraph 2.67);
5. guidance should be provided to lawyers and caseworkers on the preparation of instructions to counsel to ensure that they are detailed and informative and adequately reflect the case issues. BCPs should monitor briefs to ensure a consistent quality (paragraph 3.23);
6. all calculations of custody time limits expiry dates should be checked and initialled by a senior caseworker. Cases should be checked periodically against the monitoring diary to ensure that details are entered correctly (paragraph 3.40);

7. the Directorate should review its custody time limits system to ensure that monitoring procedures are effective. Training should be provided for all relevant staff in custody time limits procedures and the application of the Custody Time Limits Regulations (paragraph 3.45);
8. senior managers should devise a strategy which will provide greater opportunities for lawyers, who wish to do so, to maintain their advocacy skills and including the training and deployment of Higher Court Advocates in the Crown Court (paragraph 5.6);
9. the Directorate should consider its role in fraud cases to determine whether its current involvement should continue and, if so, review the existing criteria for its handling of fraud cases to ensure that they represent the most efficient use of the expertise and resources of the Directorate and CPS Areas (paragraph 6.16);
10. senior managers should take steps to improve arrangements for the review of plans and become more focused on the delivery of actions (paragraph 8.10);
11. Directorate senior managers should seek clarification of its role in relation to that of the Policy Directorate (paragraph 8.16);
12. the Directorate should consider its needs in respect of performance information to establish a system of performance indicators which will best assist management of its casework performance (paragraph 8.24);
13. the Directorate should revise its staffing strategy to create closer links between the forecasts as to the mix and volume of work received, and the business planning and budgeting process (paragraph 8.50);
14. the Directorate should review the work allocation arrangements at both Branch and individual level (paragraph 8.55);
15. the Directorate should further develop its strategy for performance appraisal which ensures the best development of individual potential and that underperformance is effectively dealt with (paragraph 8.64).

Suggestions

9.15 We also make the following suggestions:

1. the Directorate should consider methods of promulgating the Casework Referral Guidelines to police forces to ensure that cases are referred promptly by the police, either to the Directorate or to the local CPS office as appropriate, and that progress of cases is not delayed or otherwise prejudiced (paragraph 2.9);
2. Directorate lawyers should prepare, in every extradition case, a review note which sets out the factors taken into account in the decision and discusses the case issues, or makes reference to them when they can be found elsewhere within the file (paragraph 4.17);

3. the Directorate should further develop its communications strategy including the use of IT (paragraph 8.74);
4. the Directorate should review and restate its policy in relation to part time working arrangements (paragraph 8.84);
5. the Directorate should develop a uniform system for the handling of complaints drawing on guidelines issued recently by the Joint Standing Committee on Good Practice (paragraph 8.102).

TURNOVER FOR CASEWORK DIRECTORATE

	Cases Registered			Cases Finalised		
	1999-00	2000-01	2001-02	1999-00	2000-01	2001-02
Central Confiscation Branch	313	305	213	250	236	287
Fraud	94	65	49	160	123	62
Indecent Publications	129	56	41	106	93	59
International, Civil & Appellate	1,269	1,271	1,358	1,160	1,356	1,237
Police	537	513	454	518	558	402
Prosecutions	266	216	240	263	186	208
Safeguard	41	0	0	168	32	3
Vetting Unit	356	239	0	300	243	54
War Crimes	1	0	0	1	4	1
TOTAL	3,006	2,665	2,355	2,926	2,831	2,313

TOTAL NUMBER OF FILES EXAMINED - CASEWORK DIRECTORATE

CASE CATEGORY	NUMBERS READ
Appellate	27
Central Confiscation Branch	40
Corporate Manslaughter	4
Criminal Cases Review Commission	3
Custody Time Limit	10
Discontinuance	2
Election Offences	8
Euthanasia	3
Extradition	31
Fraud	13
Judge Directed Acquittals	5
Judge Ordered Acquittals	3
Letters of Request	31
Magistrates	2
Medical Manslaughter	7
Medical Negligence	1
Official Secrets Act	3
Police Complaints	80
Race Hatred	11
Terrorist	5
ULS	30
Visa Cases (Police Corruption)	3
War Crimes	2
TOTALS	324

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

Judges

The Honourable Mrs Justice Rafferty
His Honour Judge Hyam, Recorder of London
His Honour Judge Bathurst Norman
His Honour Judge Beaumont

Royal Courts of Justice

Mr M Colwyn
Ms Y Jacobs-Jones
Mrs L Knapman, Head of Administration
Mr S Slidders

Crown Court

Ms L Benjamin, Listing Officer, Southwark Crown Court
Mr C Harper, Southwark Crown Court
Mr R Swinney, Listing Officer, Central Criminal Court

House of Lords

Mrs S Collings, Listing Officer

District Judges (Crime)

Mrs P Hewitt, Chief Metropolitan Stipendiary Magistrate
Mr N Evans
Mr T Workman

Justices' Clerks

Mrs G Houghton-Jones

Police

Deputy Assistant Commissioner A Fry, Metropolitan Police
Chief Superintendent C Black, Metropolitan Police
Detective Chief Superintendent J Perry, Metropolitan Police
Detective Chief Inspector A Fuller, Metropolitan Police
Detective Chief Inspector M Lewindon, Metropolitan Police
Detective Chief Inspector K Pierce, Metropolitan Police
Detective Superintendent K Farrow, City of London Police
Detective Chief Inspector K Sharp, City of London Police
Superintendent N Bracken, British Transport Police
Superintendent P Clarke, British Transport Police
Detective Chief Inspector R Wainer, British Transport Police
Mr K Bevell, British Transport Police

National Crime Squad

Detective Chief Superintendent N Kelly
Detective Superintendent C Jones
Detective Superintendent P Spindler
Detective Superintendent T Pearce
Detective Chief Inspector R Ellis
Detective Inspector G McGowan

Police Complaints Authority

Mrs M Meacher, Deputy Chairman

Representatives of the Security Service and the Secret Intelligence Service

Home Office

Mr S Ridge, Deputy Head of the United Kingdom Central Authority
Mr R Wood, Head of Extradition Section, Judicial Co-operation Unit

Legal Secretariat to the Law Officers

Mr R Barot
Mr C Burke
Mr S Parkinson

Health and Safety Executive

Mrs J Wilson

Defence solicitors

Mr M Beardsworth
Mr R Booth
Ms S Dayman
Mr S Gentle
Mr R Roscoe
Mr D Twigg

Counsel

Ms S Bennett-Jenkins
Mr J Dennison
Mr J Lewis QC
Mr D Perry
Mr O Pownall

Witness Service

Mrs J May, Co-ordinator, Central Criminal Court
Ms E Walker

HM CROWN PROSECUTION SERVICE INSPECTORATE

Statement of purpose

To promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Aims

- 1 To inspect and evaluate the quality of casework decisions and the quality of casework decision-making processes in the Crown Prosecution Service.
- 2 To report on how casework is dealt with in the Crown Prosecution Service in a way which encourages improvement in the quality of that casework.
- 3 To report on other aspects of Crown Prosecution Service where they impact on casework.
- 4 To carry out separate reviews of particular topics which affect casework or the casework process. We call these thematic reviews.
- 5 To give advice to the Director of Public Prosecutions on the quality of casework decisions and casework decision-making processes of the Crown Prosecution Service and other aspects of performance touching on these issues.
- 6 To recommend how to improve the quality of casework and related performance in the Crown Prosecution Service.
- 7 To identify and promote good practice.
- 8 To work with other inspectorates to improve the efficiency and effectiveness of the criminal justice system.
- 9 To promote people's awareness of us throughout the criminal justice system so they can trust our findings.