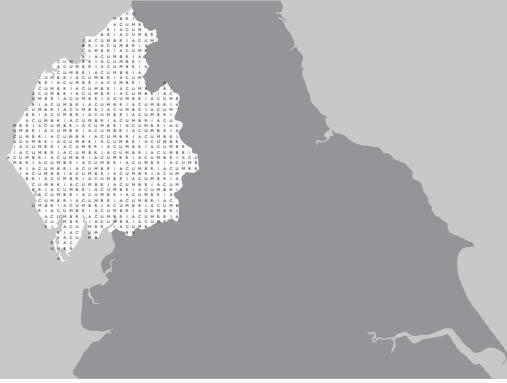


CPS CUMBRIA

THE INSPECTORATE'S REPORT ON
CPS CUMBRIA

JANUARY 2007





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JANUARY 2007

Area Office

Carlisle

Other Offices

Barrow, Kendal, Workington

Magistrates' Courts

Barrow, Kendal, Carlisle, Penrith, Whitehaven, Workington

Crown Court

Carlisle

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PREFACE

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

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

The main focus of the HMCPISI work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. HMCPISI has now undertaken two cycles of inspection, and an overall performance assessment of CPS Areas. We are now undertaking a programme of risk-based Area effectiveness inspections during 2006-07. The Areas to be inspected include the four assessed as "Poor" in the overall performance assessments and those which had Poor aspects of performance within their assessment. A risk model has been developed and updated performance information has been used to identify the Areas to be the subject of inspection. Our new Area Effectiveness Inspection Framework is designed primarily to stimulate improvement in performance; and also enable assurance to be provided as to whether performance has improved since Areas were last assessed. We have incorporated requirements to ensure that our inspection process covers matters contained in the inspection template promulgated by the Commission for Racial Equality.

In 2005-06 we undertook the overall performance assessment (OPA) of all 42 CPS Areas and published a summative report examining the performance across the CPS as a whole. In those reports we assessed the individual CPS Areas as "Excellent", "Good", "Fair" or "Poor". We will seek to assess improvement in performance achieved by them. However, as our evidence base will be wider than in those assessments, and as our risk-based inspections will not cover the whole range of performance in those Areas, we will not draw direct comparisons or rate Areas in these terms. We propose to undertake a second programme of overall performance assessments in 2007-08 which will include transparent ratings.

This series of inspections will not cover all CPS Areas, in particular we will not be inspecting those assessed as Good or Excellent in our OPAs. Those Areas may nevertheless be visited in the course of a rolling programme of casework quality assessment or as part of thematic reviews.

The Government has initiated a range of measures to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system overall can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has of the criminal justice system at national level. However, it is our experience that the targets can frequently be achieved notwithstanding significant inefficiencies in the processes and without work necessarily being of a suitable standard. HMCPISI does not therefore necessarily accept that simply meeting the targets is indicative of satisfactory performance and we have made clear in our Framework the standards which we consider are applicable. The point also needs to be made that comparisons with the national average do not necessarily mean that the national average is considered an acceptable standard. If a particular aspect of performance represents a weakness across CPS Areas generally, it would be possible for an Area to meet or exceed the national average without attaining the appropriate standard.

The framework within which the criminal justice system (CJS) is managed nationally is reflected in each of the 42 criminal justice areas by a Local Criminal Justice Board. HMCPSI places great emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these Boards. For this purpose, HMCPSI will work closely with other criminal justice inspectorates and conducts a number of joint inspections of CJS areas during each year.

The inspection process will focus heavily on the quality of casework decision-making and casework handling that leads to successful outcomes in individual cases. It will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public, nominated by national organisations, to join the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its engagement with the community including minority groups, its handling of complaints and the application of the public interest test contained in the *Code for Crown Prosecutors*.

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

The inspection Framework we have developed can be found summarised at Annex A. The chapter headings in this report relate to the standards and the sub-headings relate to the criteria against which we measure CPS Areas.

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice, and make recommendations in respect of those aspects of the performance which most need to be improved. The definitions of these terms may be found in the glossary at Annex I.

I INTRODUCTION

- I.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Cumbria (the Area) which serves the area covered by the Cumbria Constabulary. It has five offices, at Carlisle, Workington, Kendal (two offices) and Barrow-in-Furness. The Area Headquarters (Secretariat) is based at the Carlisle office.
- I.2 Area business is divided on functional and geographical lines. The offices at Carlisle and Workington deal with the conduct of all cases dealt with in the Carlisle, West Allerdale (Workington) and Whitehaven Magistrates' Courts, and Carlisle Crown Court. Kendal and Barrow-in-Furness offices currently deal with cases at Kendal, Penrith, and Furness and District (Barrow) Magistrates' Courts. A separate Trials Unit based in Kendal, which dealt with cases committed to Carlisle, Barrow, Preston and Lancaster, was being restructured at the time of our visit to create combined units at Kendal and Barrow dealing with both magistrates' courts and Crown Court work.
- I.3 At the time of the inspection in September 2006, the Area employed the equivalent of 70.74 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of four other staff. The Witness Care Unit based in Kendal employs one B1 manager and six level A witness care officers. Details of staffing of the other units is set out below:

Grade	Carlisle Combined Unit	Workington Combined Unit	Kendal CJU & TU	Barrow CJU
Level E		1*		
Level D	1	1	1	1
Level C lawyers	5.8	4.9**	5.22	4.2
Level B2 caseworkers	1	1	2	
Level B1 caseworkers	3.43	3.1	4	
Level A caseworkers	4.34	4.22	5.51	4.02
TOTAL	15.57	15.22	17.73	9.22

*The level E lawyer based at Workington deals with complex casework and reports to the CCP

**This figure includes one member of staff who was on long-term sick at the time of the inspection

A detailed breakdown of staffing and structure can be found at Annex B.

1.4 The Area's magistrates' courts' caseload in the year to June 2006 was as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge decisions	6,742	31.7	32.0
Advice	6	0.0	0.2
Summary	9,873	46.3	42.1
Either way and indictable only	4,656	21.9	25.5
Other proceedings	18	0.1	0.2
TOTAL	21,295	100%	100%

These figures include the cases set out in the next table as all cases commence in the magistrates' courts. In 2,291 of the 6,742 Area pre-charge decisions (34%) the decision was that there should be no prosecution. Overall, no prosecution decisions accounted for 10.76% of the Area's caseload. Where pre-charge advice results in the institution of proceedings, the case will also be counted under the relevant category of summary or either way/ indictable cases in the caseload numbers.

1.5 The Area's Crown Court finalised cases in the year to June 2006 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	223	23.0	28.4
Either way offences	470	48.5	43.1
Appeals against conviction or sentence	126	13.0	10.6
Committals for sentence	149	15.5	17.9
TOTAL	968	100%	100%

1.6 A more detailed table of caseloads and case outcomes compared to the national average is at Annex C and a table of caseload in relation to Area resources is at Annex D.

1.7 Cumbria has benefited from an increase of 54.6% in its budget since our last inspection (June 2004) from £2,056,160 to £3,178,865. Overall, staff numbers have increased from 65.8 to 72.7 (full-time equivalent), although the increase in lawyers is less than one full-time post. The caseload per lawyer has increased substantially from the time of our last inspection from 674.7 cases per lawyer per annum to 882.9, although this now includes those subject to a pre-charge decision, which amount to 279.8 cases per lawyer (see Annex D).

The report, methodology and nature of the inspection

- 1.8 The inspection process is based on the inspection framework summarised at Annex A. The chapter headings in this report relate to the key requirements and the sub-headings relate to the defining elements or standards against which we measure CPS Areas.
- 1.9 There are two types of inspection. A full one considers each aspect of Area performance within the Framework. A risk-based inspection considers in detail only those aspects which a risk assessment against the key elements of the inspection Framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data and other performance data gathered within the local criminal justice area.
- 1.10 The scope of the inspection is influenced by the overall performance assessment (OPA) undertaken in August 2005 which assessed the Area as "Poor". The risk assessment in respect of CPS Cumbria also drew on recent performance data and, as a result of this, it was determined that the inspection should be a full one.
- 1.11 Our OPA report identified a total of 72 aspects for improvement. In the course of this inspection, we have assessed the extent to which these have been addressed and a synopsis is included at Annex E.
- 1.12 Our methodology combined examination of 136 cases finalised between April-June 2006, with interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of pre-charge decision cases, magistrates' courts and Crown Court trials (whether acquittals or convictions), and some specific types of cases. A detailed breakdown of our file sample is shown at Annex F¹. We present the results of relevant aspects of our file examination at paragraphs 3.2, 4.2 and 5.2. The tables have a column for comparison of the Area's results with the combined average results of all Areas inspected in our current cycle of inspections, however, this inspection was one of the first to be undertaken and HMCPSI does not yet have a sufficient database for proper comparison. A list of individuals we met or from whom we received comments is at Annex G. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court. We also carried out observations at those charging centres where face-to-face advice was provided.
- 1.13 Inspectors visited the Area between 2-13 October 2006. The lay inspector was Claire Taylor, who was nominated by the Local Government Ombudsman's Office. The role of the lay inspector is described in the Preface. She examined files that had been the subject of complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and had the opportunity to speak to witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. She gave her time on a voluntary basis, and the Chief Inspector is grateful for her effort and assistance.

¹ The Area had no finalised cases in some of the categories for the relevant months and also experienced difficulty in locating, within the deadline for delivery, some of the specific files we requested. Some files were not located at all and we received substitute files, which were not all in the required category

I.14 The purpose and aims of the Inspectorate are set out in Annex H and a glossary of the terms used in this report is contained in Annex I.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

This summary provides an overview of the inspection findings as a whole. It is broken down into sub-headings that mirror the chapters in the report, which are based upon our inspection Framework, developed taking into account key issues across the criminal justice system and CPS initiatives (see Annex A). Other sub-headings deal specifically with Public Service Agreement targets and equality and diversity issues.

Overview

- 2.1 The overall performance assessment carried out in 2005 rated Cumbria's performance as "Poor" and highlighted many aspects as requiring improvement. Since then, there have been significant changes.
- 2.2 A new Chief Crown Prosecutor (CCP) was appointed in November 2005 who introduced a number of changes to processes and re-organised the Area structure along divisional lines. An anomaly in the south of the county where one committal unit comprised solely caseworkers is being addressed. Cumbria now has a clearer vision and sense of purpose and has developed a clear sense of direction for the immediate future, which is set out in its Business Plan. There is a greater degree of corporacy among senior managers.
- 2.3 The Area's quality of the casework is generally good in terms of decision-making and review. Most of the benefits of statutory charging are being realised and successful outcomes are increasing. There are some aspects which require attention, particularly in respect of the magistrates' courts' acquittal rate and the Crown Court effective and cracked trial rates. The Area also needs to improve its procedures for learning casework lessons.
- 2.4 The quality of all in-house advocacy is good. Although dependence on agents is reduced, the Area's management of agents in the magistrates' courts needs urgent action to improve the quality of case presentation.
- 2.5 Improved systems and processes have led to a better approach to financial management and action has been taken to improve value for money.
- 2.6 CPS Cumbria has strengthened its profile within the local criminal justice system and is a driving force in implementing local initiatives. There are a number of both internal and external influences which require the Area to consider further organisational change.
- 2.7 Although the scheduled amalgamation of the Cumbria and Lancashire police forces is no longer going ahead, the Courts Service and the CPS are developing stronger ties with neighbouring Lancashire. The large geographical size of the Area and the current structure of four divisional offices do not give the economies of scale which would assist in management of some resources. These issues are contributing to uncertainties among staff which impact upon morale.

- 2.8 We comment in further detail on the specific aspects of performance in the following paragraphs.

Pre-charge advice and decisions

- 2.9 The overall performance assessment (OPA) in 2006 highlighted concerns about the Area's preparedness for statutory charging because of a lack of pro-active planning and management of the scheme. In some respects those concerns were overcome and Cumbria migrated to statutory charging in December 2005. Stricter interpretation of the Director of Public Prosecution's (DPP's) Guidance has led to a reduction in referrals and consequent reduction in the provision of cover. This led to some tensions between the CPS and the police. Current arrangements were to be revised in October 2006, after our inspection had finished.
- 2.10 The standard of pre-charge decisions is good. Although prosecutors are generally pro-active in seeking further evidence to remedy deficiencies, they are not always as pro-active in considering ancillary issues such as witness needs. This should improve following duty prosecutors' attendance on the national Pro-active Prosecutor Training Programme and more formal monitoring by Divisional Crown Prosecutors (DCPs).
- 2.11 Most of the benefits of statutory charging are being realised and performance is generally improving.

Casework in the magistrates' courts

- 2.12 Prosecutors review cases in accordance with the *Code for Crown Prosecutors'* tests and the standard of decision-making is good. Late submission of papers from the police can impact on timeliness. Successful outcomes are improving, with the exception of cases dismissed after trial. Improved arrangements for case progression mean that trials are considered in advance to identify issues likely to affect their progress. The Simple, Speedy, Summary Justice pilot (CJSSS) at Workington and Whitehaven has reduced adjournments significantly.
- 2.13 Although the Area cracked trial rate is above the national average, effective and ineffective trial rates show better performance. The data on cracked and ineffective trials is discussed in a number of internal and joint fora, but the system for learning lessons from casework needs to be more structured.

Casework in the Crown Court

- 2.14 The standard of review and decision-making in Crown Court cases is good, although frequent minor amendments to indictments indicate a lack of attention to detail and quality control. Instructions to counsel are generally comprehensive with a summary and analysis of the case and instructions on acceptable pleas in appropriate cases.
- 2.15 Casework performance in the Crown Court is mixed. The rates for judge ordered acquittals and overall convictions are better than the national averages, but Area performance is worse in respect of judge directed acquittals and acquittals after trial. Effective and ineffective trial rates are improving, though the cracked trial rate has worsened.

- 2.16 The system for learning lessons, as with magistrates' courts' casework, needs to be formalised. Performance on achieving the target for confiscation orders in Proceeds of Crime Act cases is improving.

Presenting and progressing cases at court

- 2.17 The standard of in-house advocacy was the subject of favourable comment from all court users. Although the use of agents in the magistrates' courts has been reduced, the quality of agents is often less than acceptable. There is no training provided for agents, nor is performance formally monitored. Prosecutors' timely attendance at court is mixed, although in the west of the county where the CJSSS pilot is being operated, the requirement of attendance at court by 9.15am is adhered to. Prosecutors are willing to engage with witnesses at court.

Sensitive cases and hate crime

- 2.18 The Area has appointed specialists and Champions in all required specialist and sensitive cases. However, resources mean that some staff have more than one special responsibility, which may reduce overall effectiveness in this respect. Some specialists had not received appropriate training.
- 2.19 The generally good standard of decision-making in the Area's casework is particularly reflected in respect of sensitive cases. Even so, specialist cases dealt with at charging centres are not always dealt with by a specialist. There are no specific monitoring systems for specialist cases other than assessment under the recently re-instated Casework Quality Assurance (CQA) scheme, although any hate crime case which is to be dropped or reduced is referred to a DCP for decision.
- 2.20 The Area is pro-active in pushing forward proposals for a specialist domestic violence court in Carlisle which will open in February 2007.

Disclosure of unused material

- 2.21 Performance in respect of disclosure of unused material continues to be good in substance, but with a need for better recording and marshalling of material. Joint training has improved the standard of police schedules and prosecutors display a good knowledge of the law and principles of the Disclosure Manual. There are four Disclosure Champions who provide training and advice to other lawyers and caseworkers and continue to be involved in joint training with the police. Prosecutors do not always record details of their decision on the disclosure schedules and Disclosure Record Sheets are rarely properly completed. Some important documents are difficult to locate within the file.

Custody time limits

- 2.22 The custody time limit (CTL) system is comprehensive and accords with national guidance. The monitoring system was well maintained. Staff awareness of the system was not consistent and training on a revised system was not due until some six months after its introduction. Although CTLs are generally well managed, inconsistencies in monitoring were apparent on files. Court hearing endorsements do not assist in monitoring CTLs and expiry dates are not agreed with the court in magistrates' courts' cases. The Crown Court is more pro-active in referring to expiry dates at court hearings.

- 2.23 Applications to extend CTLs are generally timely, however, decisions to apply to extend in Crown Court cases are not routinely considered by a lawyer.
- 2.24 Senior managers are not routinely involved in monitoring arrangements. Administrative managers carry out quarterly audits of the system which are discussed with the Performance and Resources Manager and considered in Area quarterly performance meetings.

The service to victims and witnesses

- 2.25 Sensitive cases with vulnerable witnesses are not always dealt with by a specialist lawyer. Prosecutors do not routinely consider witness needs at point of charge, although applications for Special Measures are made in appropriate cases. There are some applications which are made out of time.
- 2.26 Performance in respect of letters sent to victims under the Direct Communication with Victims (DCV) initiative is improving in terms of the numbers of letters sent and timeliness. The quality of the letters is generally good.
- 2.27 The Witness Care Unit (WCU) based in Kendal has provided coverage for the whole county since the beginning of 2006. Information about case progress is sometimes not sent to witnesses or may be sent late. The WCU manager provides a monthly performance report to the No Witness No Justice (NWNJ) project board. The WCU has not yet met the minimum standards. Full needs assessments are only done for victims, who represent only a small proportion of all witnesses. There are issues over resources for the unit as national funding is due to cease in 2007.

Delivering change

- 2.28 The Area has just undergone re-organisation to a divisionally-based structure. Although the planned police mergers have been abandoned, future restructuring of some kind is likely and staff uncertainty is leading to low morale.
- 2.29 The Area plan sets out a clear vision for the future and there is an increase in emphasis on planning with its partners. Management of key joint projects is improving and there has been some success in managing locally and nationally driven change, but more attention should be paid to risk management.
- 2.30 There is progress in improving and focusing the training and development programme, but training for administrative staff has been less structured and many managers new to their posts would benefit from management training.

Managing resources

- 2.31 The Area has made significant improvements in the systems and processes used to account for and manage its resources since our OPA and action has been taken to improve value for money. Whilst re-structuring, and some re-allocation of staff and responsibilities, are helping to ensure better use and distribution of resources, with relatively small offices it is difficult for the Area to achieve real economies of scale and it is conscious that further change is needed. Continuing high sickness absence levels are putting some plans at risk.

Managing performance to improve

- 2.32 The Area has made very good progress since our OPA in establishing a robust performance management regime and a developing culture of performance improvement is apparent. There is scope for further development and refinement as the new systems and processes become embedded within the organisation, for instance in the provision of analyses and narrative to accompany performance reports. Performance is improving in some important aspects, for instance in financial management, Higher Court Advocate savings, designated caseworker usage and the Compass case management system (CMS) usage. Cumbria demonstrates clear commitment to managing performance jointly with CJS partners.

Leadership

- 2.33 The new senior management team has developed a clear vision for the immediate future, which has been shared with staff, and a good level of corporacy is now evident. Senior managers are visible and generally approachable. However, despite good efforts to improve internal communication, some messages about the future are not welcomed by all staff and plans for the longer-term future of the Area are yet to be developed, creating a high level of uncertainty. Within this context staff morale, while mixed, is generally low and action is needed to address this. Clear action has been taken to address some inappropriate behaviour within the Area and the approach to equality and diversity is being developed, although there is scope for further improvement.

Community confidence

- 2.34 Public confidence in the Cumbria criminal justice system is among the highest levels nationally. Community confidence is a priority in the Area Business Plan and community activities are now based more on consultation with communities, rather than providing information. Nevertheless, engagement is generally with groups more easily targeted and less senior staff are not as much involved. Community activity is logged, but there is no procedure for monitoring the impact of community engagement.
- 2.35 The newly revised Area system for complaints handling is working well but not all staff are aware of it.

Added value of the CPS locally

- 2.36 The Area adds value to the local criminal justice system and has increased its profile amongst its partners. Prosecutors make appropriate casework decisions in accordance with the Code at all stages of case progress. Area managers have been instrumental in improving arrangements for case progression and prosecutors are pro-active in ensuring cases proceed promptly. The quality of in-house advocates is good and they are deployed effectively. The Area now has a clear vision for the future and has in place appropriate systems and processes to deliver that vision.
- 2.37 There is, however, further scope for adding value. Prosecutors should be more pro-active in identifying some casework issues at pre-charge stage and the quality of the agents prosecuting in the magistrates' courts needs to be addressed urgently.

Equality and diversity

- 2.38 The Area is gradually increasing the extent and context of its engagement with the community and is also addressing internal issues revealed following the latest staff survey and the failure to achieve Investor in People (IIP) re-accreditation. Steps are also being taken to ensure that its workforce becomes more representative of the county's population.
- 2.39 The public confidence level in the Cumbria criminal justice system is high, although the Area needs to look at how the impact its own activity within the community can be assessed.

Recommendations and aspects for improvement

- 2.40 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.41 We have made ten recommendations to help improve the Area's performance.

-
- 1 The Area should review its arrangements for the provision of pre-charge decisions in specialist and sensitive cases to ensure that all decisions are made by, or referred to, an appropriate specialist at the time of charging (paragraph 3.15).
-
- 2 The Area should introduce a more structured system for communicating lessons learned from casework to all lawyers and caseworkers as soon as possible (paragraph 4.7).
-
- 3 The Area should review its systems for using agents in the magistrates' courts to ensure that they are properly trained and prepared to undertake prosecutions effectively (paragraph 6.10).
-
- 4 The Area should take immediate action to introduce a formal structured system of monitoring the quality of advocacy of agents in the magistrates' courts and counsel in the Crown Court (paragraph 6.14).
-
- 5 The Area should review its approach to specialists and Champions with a view to rationalising the system and ensure that they receive appropriate training (paragraph 7.6).
-
- 6 All files in which there is an application to extend the custody time limit in Crown Court cases should be reviewed by a lawyer to ensure that an application is appropriate (paragraph 9.4).
-
- 7 The Area should take steps to ensure compliance with its written custody time limit system through staff training and continued compliance checks (paragraph 9.6).
-
- 8 The Area should take action to agree its future plans for any further re-organisation and change and communicate these plans to staff (paragraph 11.4).
-

9 The Area should take action to address issues raised in the staff survey and Investor in People assessment through the immediate implementation of its newly developed People Plan. As part of this, it should re-invigorate the People's Group to restore confidence in the Group and to ensure it plays an appropriate role in taking forward developments (paragraph 14.8).

10 The Area should establish a system for measuring the success of its community engagement activity (paragraph 15.3).

2.42 We additionally identified 23 aspects for improvement within the Area's performance.

1 Duty prosecutors need to consider ancillary issues likely to affect the case, such as the disclosure of unused material, Proceeds of Crime Act (POCA) and the needs of witnesses, as part of the pre-charge consultation process (paragraph 3.3).

2 The Area should take steps with the police to ensure improvement in the timeliness of submission of files and case papers (paragraph 4.13).

3 Action should be taken to improve the standard of endorsements of court hearings (paragraph 6.6).

4 The Area should introduce a system for monitoring and analysing casework issues in specific types of sensitive cases (paragraph 7.8).

5 Prosecutors should record their decisions on the disclosure schedules indicating how items of material are to be dealt with. Disclosure Record Sheets must be completed showing all actions and discussions in respect of unused material (paragraph 8.5).

6 The storing of unused material and disclosure schedules should ensure that any material and schedule can be easily located (paragraph 8.7).

7 Senior managers should actively assure themselves of the effective monitoring of custody time limit cases (paragraph 9.11).

8 Managers should ensure that witness needs are taken into account at the pre-charge decision stage (paragraph 10.1).

9 Greater attention should be paid to the needs of victims and witnesses at an earlier stage in the case to ensure that needs are met and applications for Special Measures are timely (paragraph 10.5).

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- 10 The Area Business Plan review process should be further developed and refined (paragraph 11.7).
-
- 11 The Area should introduce regular Risk Register review and revision and training in risk management for all project leads (paragraph 11.16).
-
- 12 The Area should ensure that appropriate development training is provided for managers, particularly those new to management roles (paragraph 11.23).
-
- 13 All new staff in post who have not yet received equality and diversity training should be required to complete the equality and diversity e-learning module, and the diversity training needs of existing staff evaluated with a view to arranging appropriate refresher training (paragraph 11.23).
-
- 14 The Area should further refine and develop the monthly budget reports provided to senior managers to provide clearer updates and analyses in key areas of expenditure (paragraph 12.6).
-
- 15 The Area needs to take further action to better manage the prosecution budget and improve the timeliness of graduated fees scheme payments (paragraph 12.13).
-
- 16 The Area should improve its actions to manage its sickness absence better (paragraph 12.23).
-
- 17 The Area should continue to develop its quarterly performance review information pack (paragraph 13.10).
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- 18 The Area should take action to improve staff confidence in the performance appraisal process and ensure it becomes an integral part of the performance management system (paragraph 13.10).
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- 19 Further work should be done to develop the Prosecution Team Performance Management data pack, in particular the accompanying narrative and explanation to assist participants interpret the data (paragraph 13.17).
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- 20 Systems to share issues and good practice should be developed (paragraph 13.17).
-
- 21 Consistent feedback of issues arising from Casework Quality Assurance should be given to lawyers covering both where improvement is required and positive aspects, and consideration of Area-wide trends and issues (paragraph 13.25).
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- 22 The Area should address its Internal communication of the Workforce Representation Plan and RES, including clarification of roles and responsibilities. Reviews of progress against these should be incorporated within the business plan review process (paragraph 14.21).
-
- 23 The Area should make efforts to improve its links with those community groups at the greatest risk of exclusion and discrimination (paragraph 15.5).
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Strengths

- 2.43 We identified nine strengths within the Area's performance.
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- 1 The quality of Area decision-making is good (paragraph 4.3).
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- 2 The referral to Divisional Crown Prosecutors of all pre-charge decision cases which are the subject of subsequent proposals for discontinuance before the final decision is made (paragraph 4.11).
-
- 3 The Area deals expeditiously with cases involving persistent young offenders (paragraph 4.15).
-
- 4 The Simple, Speedy, Summary Justice (CJSSS) pilot has improved the timeliness and quality of police files and reduced adjournments (paragraph 4.20).
-
- 5 Crown Court case progression meetings have been effective in identifying in advance issues likely to affect the effectiveness of trials in the Crown Court (paragraph 5.11).
-
- 6 The standard of instructions to counsel is good with most cases containing a summary of the evidence and analysis of the relevant issues (paragraph 5.14).
-
- 7 Applications to extend the custody time limit are served in good time (paragraph 9.3).
-
- 8 Administrative managers carry out quarterly audits of custody time limit cases and the system (paragraph 9.11).
-
- 9 Cumbria actively seeks examples of good practice in other CPS Areas and is willing to learn from others (paragraph 13.10).
-

3 PRE-CHARGE ADVICE AND DECISIONS

The Area migrated to statutory charging in December 2005. Stricter adherence to the DPP's Guidance has led to a reduction in referrals and consequent reduction in the provision of cover at charging centres. Current arrangements were to be revised in October 2006, shortly after the inspection had finished. The overall quality of decision-making is good. Duty prosecutors are generally pro-active in seeking further evidence to remedy deficiencies, but less so in considering ancillary issues such as witness needs. Attendance on the national Pro-active Prosecutor Training Programme and more formal monitoring by Divisional Crown Prosecutors should remedy this to some extent. Most of the benefits of statutory charging are being realised and performance is generally improving.

Quality of advice and decisions

- 3.1 We examined a sample of case files from the Area and our findings on the quality of pre-charge advice and decisions are set out below.

Pre-charge	National performance programme to date*	Area performance
Advice and decisions complying with evidential test in the Code	-	95.8%
Advice and decisions complying with public interest test in the Code	-	96.5%
Appropriate alternative disposals and ancillary orders were considered and acted upon	-	71.4%
Prosecutor was active in identifying and remedying evidential defects	-	76.9%

*This inspection was one of the first to be undertaken and HMCPSP does not yet have a sufficient database for proper comparison

- 3.2 The quality of decision making in the Area is good. The table shows that the evidential test in the Code was applied correctly in 95.8% of the cases we examined and the public interest test was correctly applied in 96.5%. Prosecutors were also pro-active in identifying and requesting further evidence to remedy potential evidential deficiencies in 40 out of 52 (76.92%) relevant cases.
- 3.3 Records of charging decisions (MG3s) varied in the depth and detail of analysis, but most contained a summary of the evidence and some discussion of the issues in the case. There was little evidence of any going beyond this and considering issues such as the disclosure of unused material, Proceeds of Crime Act (POCA) or vulnerable witnesses' special needs, although these were dealt with later in the case. However, Area lawyers have now received the national Pro-active Prosecutor training and it is anticipated that a more robust review in future will encompass these matters. In addition, duty prosecutors have also been given a presentation re-inforcing the importance of applying the *Victims' Code* at charging consultations.

ASPECTS FOR IMPROVEMENT

Duty prosecutors need to consider ancillary issues likely to affect the case, such as the disclosure of unused material, Proceeds of Crime Act and the needs of witnesses, as part of the pre-charge consultation process.

- 3.4 The perception of other court users is that there are fewer changes to charges since the CPS became responsible for charging, and that offences charged generally reflect the nature and seriousness of the offending.
- 3.5 The monitoring of the quality and timely provision of pre-charge decisions has improved. MG3s are now regularly 'dip-sampled' by Divisional Crown Prosecutors (DCPs) who formally record the results of each examination. In particular, DCPs dip-sample cases in which duty prosecutors advise no charge. In addition the police themselves carry out a qualitative check of such cases. In both instances, results show that the cases are appropriate for referral and the decisions to take no further action are correct.
- 3.6 In those cases where the duty prosecutor requests further evidence or information before charge, a date is usually fixed for the officer to return to the charging centre with the additional evidence. The police Criminal Justice Unit monitors all such cases to ensure that the enquiries are followed up and the officer refers the case back to the duty prosecutor. In addition, the CPS prints a monthly report of all such outstanding cases and takes action where appropriate.

Bail/custody decisions

- 3.7 The appointments system operated in charging centres (which is referred to below) allows time for urgent consultation when the police wish to charge a defendant and ask for a remand in custody. Cases involving a defendant in custody when the threshold test² is applied are subsequently referred to the original duty prosecutor to ensure that all actions have been complied with.

Operation of the charging scheme

- 3.8 During the operation of the shadow charging scheme and in the initial stages of the statutory scheme (which commenced in December 2005), the Area provided face-to-face advice at charging centres in Carlisle, Barrow, Kendal and Workington from 9am to 5pm. Following the implementation of the statutory scheme, the more robust application of the DPP's Guidance by the police and the CPS resulted in fewer cases being referred to duty prosecutors for advice.

2 The threshold test is applied to cases where it is determined that it would not be appropriate for the accused to be remanded on bail after charge and a full evidential report is not immediately available. The test requires an overall assessment of whether, in all the circumstances of the case, there is at least a reasonable suspicion of the accused having committed an offence. The full Code test must be applied following the receipt of further evidence after charge

- 3.9 As a result of this, and following consultation with the police, coverage was reduced to three days at Carlisle, four days at Barrow, one day at Kendal and three days at Workington. An hourly appointments system was introduced which also allows time for urgent consultation in custody cases. Appointments are made by administrators and entered in a diary available to the duty prosecutor a day in advance. These arrangements were to be trialled until mid-October 2006, after which they will be evaluated by the police and Area managers.
- 3.10 Our own observations in charging centres indicated that, although there were some periods of high activity, duty prosecutors were able to deal with consultations comfortably. There was some limited capacity to do other work in quieter periods.
- 3.11 The reduced coverage has impacted adversely on police resources. It was always acknowledged that implementation of the scheme would be challenging in a large Area which has to service a number of small centres. It is also accepted that the number of referrals fluctuates on different days. In practice, however, officers may have to travel to another charging centre to obtain pre-charge advice from a duty prosecutor. Shift patterns have also made it difficult for some officers to arrange appointments with duty prosecutors when referring cases back following the obtaining of further evidence. In some instances, charging decisions are sought by telephone, but this means that officers have to fax evidential reports to charging centres, a cause of some delay.
- 3.12 Although the future of arrangements for charging will be discussed fully with the police, the CPS would like the current level of coverage to remain. The level of consultation and other commitments such as in-house court coverage, including deployment of Higher Court Advocates (HCAs) in the Crown Court influence the CPS position. Police senior managers accept that full coverage is unlikely to be re-introduced and will work together with the Area to manage the scheme. Video consultations are actively being considered and money is available to fund the installation of facilities. This, however, is only one of the options being considered and some officers see it as little different in practical terms from telephone advice in that it still requires documents to be faxed to the duty prosecutor³.
- 3.13 Joint training before the introduction of statutory charging ensured that in general only appropriate cases were referred to duty prosecutors for a decision. A recent re-organisation within the police has led to even better supervisory arrangements by police gatekeepers. Duty prosecutors are robust in their approach to returning inappropriate cases or those in which there have been errors in process management. Police performance in this respect is formally monitored by duty prosecutors.

3 We make no further comment in this respect. Since the inspection, the police and CPS have revised the arrangements in charging centres to increase the number of daily appointments. A template has been devised to set out the issues for consultation in each case. These arrangements are to be considered again in January 2007

- 3.14 Special arrangements have been agreed between the police and CPS to ensure that decisions in specialist and sensitive cases are provided by appropriately trained prosecutors. In practice, however, most such decisions are made within the charging centre by experienced duty prosecutors, though not necessarily ones who have been trained in the particular specialism. There are similarly no special arrangements for diverting any category of specialist or sensitive cases to specialists outside charging centres. Duty prosecutors may take the initiative themselves if they think a case requires advice from a specialist or if a specialist case requires greater consideration than a consultation with the duty prosecutor will allow.
- 3.15 Although we accept as a basic premise that all duty prosecutors have or should have sufficient expertise to deal with all types of offences, we consider that special or sensitive cases give rise to particular issues which are best dealt with or supervised by someone trained in that specialism⁴.

RECOMMENDATION

The Area should review its arrangements for the provision of pre-charge decisions in specialist and sensitive cases to ensure that all decisions are made by, or referred to, an appropriate specialist at the time of charging.

- 3.16 All road traffic incidents involving a fatality are referred direct to the Area's complex casework lawyer and do not go through a charging centre.
- 3.17 The police and CPS Charging Protocol sets out the arrangements for referral in cases in which there is a disagreement over the duty prosecutor's decision. There are few such cases and they are usually settled without the need for any formal referral.
- 3.18 The interface between the Area and CPS Direct is managed well by direct liaison between the DCP and the CPS Direct managing lawyer. They are able to deal with any disagreement over the advice provided, although such instances are rare. In addition, one Area lawyer does part time work for CPS Direct at weekends.

Realising the benefits of pre-charge decision-making

- 3.19 The Area is realising most of the benefits of pre-charge decision-making and performance is improving in this respect. The key performance results are shown in the following table:

	Magistrates' courts' cases			Crown Court cases		
	National target March 07	National performance Q2 2006-07	Area performance Q2 2006-07	National target March 07	National performance Q2 2006-07	Area performance Q2 2006-07
Discontinuance rate	11%	15.9%	14.4%	11%	13.1%	11.3%
Guilty plea rate	52%	69.6%	74.7%	68%	66.7%	66.5%
Attrition rate	31%	21.8%	18.8%	23%	22.6%	20.4%

⁴ The template referred to in the previous footnote will address this issue to some extent, but until the system has been in operation for some time and has been evaluated, our recommendation remains valid

- 3.20 In the magistrates' courts, the discontinuance rate of 14.4% is better than the national average and slightly above the Area target of 13.3%. The guilty plea rate is also better than the national average and well above the Area target of 68.9%. Similarly, the attrition rate of 18.8% is better than the national average of 22.4% and well within the Area target of 31%.
- 3.21 Performance in the Crown Court is more mixed. The discontinuance rate of 11.3% is better than the national performance of 13.1% and the Area target of 15.8%. The Crown Court guilty plea rate is slightly worse than the national average of 66.7% and also the Area target of 77.7%. The Crown Court attrition rate, at 20.4%, is just better than the national average of 22.6% and within the Area target of 23%.
- 3.22 Since the OPA was carried out, Cumbria's figures in respect of benefits realisation have fluctuated. The latest figures represent improvement since the end of 2005-06, with the exceptions of the Crown Court discontinuance and guilty plea rates. However, performance in both these aspects has improved since the OPA.
- 3.23 Pre-charge decision data is analysed and staff are informed of performance through the Area Newsletter. The data is also considered with the criminal justice partners in local Area Development Groups, which are supervised by the Cumbria Criminal Justice Board. The CPS produces a Prosecution Team Performance Management (PTPM) pack of relevant data for ADG meetings. There have been some complaints about the late issue of the pack which did not allow sufficient time for scrutiny before meetings. In addition, the data was accompanied by an analysis and commentary on particular issues. These shortcomings are being addressed.

4 CASEWORK IN THE MAGISTRATES' COURTS

The standard of decision-making is good, though late submission of papers from the police can impact on timeliness. Successful outcomes are improving, with the exception of cases dismissed after trial. Improved arrangements for case progression mean that trials are considered in advance to identify issues likely to affect their progress. The Simple, Speedy, Summary Justice pilot (CJSSS) at Workington and Whitehaven has reduced adjournments significantly. Although the Area cracked trial rate is above the national average, effective and ineffective trial rates show better performance. The data on cracked and ineffective trials is discussed in a number of internal and joint fora, but the system for learning lessons from casework needs to be more structured.

Quality of case decisions and continuing review

4.1 We examined a number of case files from the Area and our findings are set out in the following table.

Magistrates' court and youth court casework	Performance in the inspection programme to date*	Area Performance
Case preparation		
Cases ready for case management hearing	-	90.2%
Court orders complied with on time, or application made to court	-	96.4%
Correspondence from the defence dealt with appropriately	-	83.3%
Instructions to agents were satisfactory	-	84.6%
Level of charge		
Charges that were determined by the prosecutor and proceeded without amendment	-	86.7%
Cases that proceeded to trial or guilty plea on the correct level of charge	-	100%
Discontinuance		
Discontinuance was timely	-	91.3%
Decisions to discontinue complying with the evidential test	-	95.7%
Decisions to discontinue complying with the public interest test	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information	-	93.7%

Cracked and ineffective summary trials

Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	-	100%
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Summary trial

Decisions to proceed to trial complying with the evidential test	-	93.8%
Decisions to proceed to trial complying with the public interest test	-	100%
Cases with timely summary trial review	-	95%
No case to answers that were foreseeable, and the CPS took action to avoid the outcome	-	100% (2 out of 2)

*This inspection was one of the first to be undertaken and HMCPSP does not yet have a sufficient database for proper comparison

4.2 The quality of decision-making is good. We examined 48 cases which had been prepared for summary trial. The *Code* evidential test was applied correctly in all but three of those cases (93.8%) and the public interest test had been applied correctly in all relevant cases. Although our file examination indicated that summary trial preparation was generally timely, late submission of police files often caused delay earlier in the process leading to adjournments at case management hearings (CMH).

4.3 File examination has also confirmed that continuing review decisions comply with the *Code*. They are generally timely and properly recorded on the file itself. Many of the files we examined did not have details of the review recorded on Compass. However, because our file sample related to cases concluded before July 2006, many of the earlier file reviews were carried out at the beginning of the year or, in Crown Court cases, at the end of 2005. The recording of file reviews on Compass has improved since that time.

STRENGTHS

The quality of Area decision-making is good.

Successful outcomes

Outcome	Area figure year ending June 2006	National average year ending June 2006
Discontinuance and bindovers	10.8%	11.5%
No case to answer	0.1%	0.3%
Dismissed after trial	1.4%	1.8%
Discharged committals	0.0%	0.2%
Overall conviction rate	86.9%	83.1%

The figures do not include those for warrants, which stand at 0.8% for the Area and 3.1% nationally

	National target 2006-07	National performance 1st quarter 2006-07	Area performance 1st quarter 2006-07
Unsuccessful outcomes (as a % of completed magistrates' courts' cases)	83%	83.6%	85.3%

- 4.4 The above figures relate to percentages of the Area's total caseload and all represent improvement on the previous year, with the exception of cases dismissed after trial (1.4%) which are up from 1.2% in 2004-05. The overall percentage of magistrates' courts' cases resulting in a successful outcome has increased in 2005-06 from 85.8% to 86.9%.
- 4.5 In 2005-06, the acquittal rate in the Area was 27.9% of all trials compared with 25.5% nationally. This represents an increase in the Area rate for 2004-05 which was 23.5%.
- 4.6 There are very few cases that are dismissed by the magistrates following a submission of no case to answer. In the year to June 2006 such cases represent 0.1% of the Area's caseload compared with 0.3% nationally. In 2004-05, Cumbria's figure was 0.2%. However, we examined four such cases and in each we considered that the result was not foreseeable and the prosecutor could have done nothing more to prevent the outcome.
- 4.7 Unsuccessful outcomes are discussed in the local Area Delivery Groups (ADGs) which comprise all the criminal justice agencies and report to the Cumbria Criminal Justice Board. They are also discussed within the Area at meetings of the senior management team (SMT). Reports are made available to the DCPs, but they are not routinely made available to lawyers and caseworkers within their teams. Lessons learned from casework are more often communicated by informal discussion within teams or at team meetings, although these are held irregularly and not always attended by all lawyers and caseworkers. It is important that arrangements for learning lessons from casework ensure that information is communicated to all lawyers and caseworkers as soon as possible. This requires attention.

RECOMMENDATION

The Area should introduce a more structured system for communicating lessons learned from casework to all lawyers and caseworkers as soon as possible.

Offences brought to justice

- 4.8 The target for increasing the number of offences brought to justice is shared with criminal justice partners. The performance is largely driven by police, although there is scope for the CPS to influence it.

Offences brought to justice	CJS Area target 2006-07	CJS Area performance 2006-07
Against 2001-02 baseline	+12.2%	+28.8%
Number	11,285	12,952
Offences Brought to Justice made up of	National average	Area figure
Convictions	53%	70.1%
Taken into consideration	9%	5.1%
Cautions	25%	17.7%
Fixed penalty notice	8%	4.8%
Formal warnings for drugs	5%	2.3%

- 4.9 The overall Area offences brought to justice (OBTJ) rate is 30.9% which reflects well against the national average of 26.7%, while the conviction rate is 70.1% against the national average of 53%. There is some police concern that an over-emphasis by the CPS in favour of charging and against offences being taken into consideration (TICs) is affecting their ability to meet the TIC target. The rate at the end of June 2006 shows an Area rate of 5.1% against the national rate of 9%. There are current discussions being held within the ADGs to make greater use of TICs and fixed penalty notices as a means of dealing with offenders.

Discontinuance in the magistrates' courts

- 4.10 Clearly the CPS should aim to reduce the number of cases which are discontinued after charge. However, circumstances often change once a case has been charged and in some instances, discontinuance of the proceedings is the inevitable and correct decision. We examined 23 cases that were discontinued in the magistrates' courts. In all except one the decision to discontinue accorded with the principles of the Code. In all but three of those cases, the receipt of further evidence or information since the original charging decision led to the discontinuance of proceedings.
- 4.11 All cases to be discontinued that were the subject of a pre-charge decision are considered by the DCP before discontinuance to ensure that the case is appropriate for discontinuance and to learn any lessons, particularly whether the discontinuance could have been avoided. Discontinued cases are also considered in Prosecution Team Performance Management (PTPM) meetings and in meetings of the local ADGs.

STRENGTHS

The referral to Divisional Crown Prosecutors of all pre-charge decision cases which are the subject of subsequent proposals for discontinuance before the final decision is made.

Committal preparation and discharged committals

- 4.12 Cumbria has very few committals which are discharged because the prosecution is not ready to proceed. In 2005-06, there were just six cases, representing 0.8% of the Area's caseload compared with 2.6% nationally.
- 4.13 Although these figures appear to be encouraging, adjournments because the prosecution are not ready to proceed are generally too frequent. In the case of committal proceedings, the willingness of magistrates to allow a first adjournment, and the reluctance to refuse because of the possibility that the charges may later be re-instated, combine to result in a more optimistic picture than might otherwise be the case. The question of late case preparation because of the late delivery of file papers is an issue that should be addressed. The quality and timeliness of police files has improved significantly in the west of the county following implementation of the CJSSS pilot, which is referred to in paragraphs 4.19 and 4.20. This is to be extended to the rest of the Cumbria in due course, and the Area needs to ensure that these benefits are also realised in other parts of the county.

ASPECTS FOR IMPROVEMENT

The Area should take steps with the police to ensure improvement in the timeliness of submission of files and case papers.

Youth cases

- 4.14 Youth cases are generally prosecuted by lawyers who are experienced in dealing with such cases and are able to demonstrate an understanding and awareness of relevant law and procedure. Youth specialists ensure that cases are properly reviewed and managed. There are regular meetings of youth specialists and persistent young offender (PYO) cases are discussed at PTPM meetings.

Persistent young offenders

	National target	National performance (3 month rolling average to June 2006)	Area performance (3 month rolling average to June 2006)
Overall PYO performance (arrest to sentence)	71 days	71 days	43 days

- 4.15 The average processing period from arrest to sentence in PYO cases for the three month period April-June 2006 was 43 days, which is well within the Government target of 71 days. This represents a steady improvement in performance over the last six months and places Cumbria as the second best performing Area.

STRENGTHS

The Area deals expeditiously with cases involving persistent young offenders.

Case progression and effective hearings

*Time intervals/targets for criminal proceeding in magistrates' courts
Charged cases only, March 2006*

	Initial guilty plea target 59 days		Trials target 143 days		Committals target 176 days	
	Cases within target (%)	Sample size (no. of defendants)	Cases within target (%)	Sample size (no. of defendants)	Cases within target (%)	Sample size (no. of defendants)
National	84%	6,367	63%	2,651	88%	1,030
Area	86%		*	*	*	*

* no data due to insufficient sample

*Time intervals/targets for criminal proceeding in youth courts
Charged and summoned cases only, March 2006*

	Initial guilty plea target 59 days		Trials target 176 days		Committals target 101 days	
	Cases within target (%)	Sample size (no. of defendants)	Cases within target (%)	Sample size (no. of defendants)	Cases within target (%)	Sample size (no. of defendants)
National	87%	5,340	87%	3,048	87%	216
Area	95%		*	*	*	*

* no data due to insufficient sample

- 4.16 The CPS has been instrumental in promoting case progression meetings within Cumbria through the Criminal Case Management Group (chaired by the CCP) of the Cumbria Criminal Justice Board (CCJB). The Courts, police and CPS have each nominated case progression officers (CPOs) who attend fortnightly case progression meetings. The meetings discuss all trials scheduled for the coming fortnight and all ineffective trials in the last month. The meetings are generally regarded as effective in identifying cases which are not likely to proceed and which may be the subject of an early application to vacate.
- 4.17 Once a defendant pleads not guilty, the case is generally adjourned to a CMH – formerly a pre-trial review – where issues likely to affect the trial, such as any acceptable pleas or witness issues, are discussed. When the trial file is reviewed, the prosecutor completes a full file readiness check form which confirms that the case is trial ready and highlights any issues which will be discussed at the case progression meeting.
- 4.18 Although we saw examples of the forms on file, not all were fully completed and it was difficult to tell if they had been forwarded to the court. Although no issues were raised in this respect, it is important for the effectiveness of the case progression meetings that the trial readiness check form be completed and that the file should clearly evidence that it has been sent to the court.

4.19 The Simple, Speedy, Summary Justice initiative, which evolved from Lord Justice Thomas's 21st Century Crime Review, has been piloted in Workington and Whitehaven Magistrates' Courts since May 2006. Its aim is to improve case management and disposal in the magistrates' courts by reducing the need for adjournments and multiple pre-trial hearings and, consequently, the overall disposal time. The scheme is addressing this by improving the timely provision and quality of police files and information provided to the court and defence. If the case is not disposed of by way of a guilty plea at the first hearing, magistrates will seek to identify the issues and move straight to a trial date, avoiding a CMH. Case progression is an administrative function dealt with by case progression officers outside the courtroom.

4.20 The scheme is being managed by a multi-agency steering group which reports to the CCJB. It was to be the subject of an interim evaluation in September 2006 and a further evaluation that December. Early indications are that the scheme has led to considerable improvements in the effectiveness of first hearings as the following table shows.

Proportion of pleas at first hearing

	Pre-pilot Baseline	Current	Change
Whitehaven	68%	76%	+8%
Workington	67%	86%	+19%

Proportion of adjournments at first hearing

Whitehaven	89%	11%	-78%
Workington	93%	6%	-87%

STRENGTHS

The Simple, Speedy, Summary Justice (CJSSS) pilot has improved the timeliness and quality of police files and reduced adjournments.

Effective, ineffective and cracked trials

Trial rates in magistrates' courts

	Area target	National performance year ending September 2006	Area performance year ending September 2006
Effective	-	43.4%	44.8%
Ineffective	16.5%	18.9%	16.7%
Cracked	-	36.7%	38.5%

- 4.21 The ineffective trial rate shows good performance compared with the national average, although slightly worse than the Area target. The cracked trial rate is more disappointing, being slightly worse than the national performance, but the overall effective trial rate is still better than the national average of 43.4%.
- 4.22 The prosecution was responsible for 40.5% of all ineffective trials. Ineffective trials due to problems with prosecution witnesses accounted for 34.6% of all such cases (or 85.4% of those for which the prosecution was responsible). There have been concerns in the past about the accuracy of the data which records the reasons for ineffective trials. Recent steps have been taken with the courts to ensure that the reason for an ineffective trial is agreed on the day between the court and the CPS.
- 4.23 The Area is nevertheless concerned at the level of ineffective trials. They are discussed at quarterly performance reviews between the CCP and the DCPs and action is taken where necessary. The Witness Care Unit Manager analyses those ineffective trials which are due to problems over witness attendance. The No Witness No Justice review in July 2006 noted that ineffective trials due to witness problems had decreased.
- 4.24 Cracked and ineffective trials are also discussed and analysed at PTPM meetings, as well as the fortnightly case progression meetings. In the latter instance, reasons are considered in individual cases to learn lessons for the future.

Use of the case management system – Compass CMS

- 4.25 The Area has acknowledged that CMS was not being used effectively enough to make it a useful case management and monitoring tool. Past usage was minimal and restricted only to basic recording of actions. Most reviews were done on the actual paper file rather than on CMS. The figures for March 2006 showed 53.6% of full file reviews being recorded on CMS against a national target of 60%. Performance, however, was improving in this respect and also in respect of the recording of MG3s.
- 4.26 The CMS Local Implementation Team was re-established at the beginning of the year to co-ordinate planned improvements. An IT tutor has been engaged to provide general desk-side training on computers and managers have had specific training to ensure that usage is monitored. The improvement in performance is such that the Area is to pilot a model office.

5 CASEWORK IN THE CROWN COURT

The standard of review and decision-making in Crown Court cases is good, although frequent minor amendments to indictments indicate a lack of attention to detail and quality control. Instructions to counsel are generally comprehensive. The rates for judge ordered acquittals and overall convictions are better than the national averages, but Area performance is worse in respect of judge directed acquittals and acquittals after trial. Effective and ineffective trial rates are improving, though the Area cracked trial rate has worsened. The CCP reviews unsuccessful outcomes in the Crown Court but the system for learning lessons, as with magistrates' courts' casework, needs to be formalised. Performance on achieving the target for confiscation orders is improving.

The quality of case decisions and continuing review

- 5.1 File examination shows that the quality of decision-making in Crown Court cases is in general very good, reflecting the experience of the Area's prosecutors. Cases proceed on the correct level of charge and indictments are rarely amended over matters of substance, although there are too many minor errors which indicate a lack of proper checking. There are some issues over the timeliness of amendments. We examined 58 of Cumbria's Crown Court case files and our findings are set out in the following table. It shows a figure of 0% in respect of cases in which the acquittal was foreseeable and appropriate action was taken to avoid the eventual outcome. There were three such cases but, although it was considered that some action by the prosecutor might have led to a different result, these case were not indicative of the general standard of review and case management within the Area.

<i>Crown Court casework</i>	National performance programme to date*	Area performance
Committal and service of prosecution papers		
Decisions to proceed at committal or service of prosecution case stage complying with evidential test	-	95%
Decisions to proceed at committal or service of prosecution case stage complying with public interest test	-	100%
Cases with timely review before committal, or service of prosecution case	-	94.1%
Instructions to counsel that were satisfactory	-	91.9%
Case preparation		
Cases ready for plea and case management hearing	-	93.3%
Court orders complied with on time, or application made to court	-	94.3%
Correspondence from defence dealt with appropriately	-	89.2%
Cracked and ineffective trials		
Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	-	100%

Level of charge		
Indictments that were appropriate and did not require amendment	-	86.6%
Cases that proceeded to trial or guilty plea on the correct level of charge	-	100%
Judge ordered and judge directed acquittals		
JOA/JDAs that were foreseeable and the CPS took action to avoid the outcome	-	75%
Trials		
Acquittals that were foreseeable and the CPS took action to strengthen the case (or terminate it sooner)	-	0%

*This inspection was one of the first to be undertaken and HMCPSP does not yet have a sufficient database for proper comparison

Successful outcomes

<i>Case outcomes in the Crown Court</i>	Area figure year ending June 2006	National average year ending June 2006
Judge ordered acquittals	8.6%	13.5%
Judge directed acquittals	2.5%	1.6%
Acquittals after trial	8.7%	6.4%
Overall conviction rate	79.4%	77.0%

The figures do not include those for warrants, which stand at 0.8% for the Area and 1.6% nationally

5.2 The above figures relate to the year ending 30 June 2006. Cumbria's judge ordered acquittal rate, at 8.6%, is much better than the national average and represents an improvement on 2004-05 (12.4%). Although the judge directed acquittal rate is worse than the national average, it represents a total of 18 cases and is the same rate as the previous year. The rate of acquittals after trial (8.7%) is worse than the national average and worse than the previous year's performance of 8.2%. The overall conviction rate (79.4%), however, is better than the national average of 77.0% and an improvement on the Area's previous year's performance (75.1%).

Discontinued cases and judge ordered acquittals

5.3 There are very few formal discontinuances, but file examination shows that the right decisions are being made. We examined 15 cases, each of which had been the subject of a pre-charge decision and in which the proceedings were dropped by the CPS. We considered that the decision accorded with the Code in all but two of the cases. The decision to drop the proceedings was the result of further evidence or information in 12 cases.

5.4 The CCP has been concerned about the level of negative outcomes in Crown Court cases and initially reviewed all cases personally. Now she sees reports on all cases and looks in detail at those which raise particular issues and produces her own analysis.

Serious and complex cases

- 5.5 There are arrangements for ensuring that cases which require a particular level of experience are dealt with by appropriately experienced prosecutors. In addition, the Area has a designated complex casework lawyer who is based in the Workington office and deals with those cases which are of particular seriousness or complexity, requiring more individual attention.

Youth cases

- 5.6 The Area has very few cases in the Crown Court involving youth defendants. We are satisfied that appropriate arrangements are in place for handling such cases, which ensures input from a trained youth specialist. Cases involving grave crimes which are committed from the youth courts to the Crown Court are dealt with by specialist lawyers.

Appeals and committals for sentence

- 5.7 There are appropriate systems in place for dealing with appeals to the Crown Court and committals for sentence. Most such cases are now dealt with by Higher Court Advocates.

References to the Court of Appeal in relation to unduly lenient sentences

- 5.8 In the year 2005-06, the Area referred three cases to the Attorney General for consideration of an appeal against the sentence imposed in the Crown Court on the grounds that it was unduly lenient. All were made in accordance with policy and sentencing guidelines and followed appropriate procedures. Two of the cases were referred to the Court of Appeal, although in one of them the sentence was not considered to be unduly lenient. The third case involved particularly sensitive issues and the Area thought it right to forward it to the Attorney General for consideration, despite its concerns that the sentence, although lenient, was not unduly so. This case was not referred to the Court of Appeal.

Asset recovery (proceeds of crime)

- 5.9 The Area did not meet its target for numbers of confiscation orders or monetary value for 2006-06. This may in part have been due to lack of awareness in some prosecutors of Proceeds of Crime Act (POCA) issues leading to a failure to identify appropriate cases sufficiently early. We found no evidence in our file examination that POCA issues were discussed with investigating officers in pre-charge consultations.
- 5.10 However, the Area has recognised its shortcomings in this respect. Refresher training has been provided on POCA and talks have been given to the Planning and Performance Group of the CCJB. A tripartite protocol between the CPS, courts and police has been signed to emphasise roles and responsibilities in respect of confiscation of assets. As a result the Area is currently meeting its targets in terms both of numbers of orders and amount confiscated. The target for 2006-07 is 24 confiscation orders, representing a value of £184,616. As of September 2006, Cumbria had been granted 12 orders to a value of £178,476.

Case progression and effective hearing

- 5.11 We looked at five cases in which we considered that there was avoidable delay. In four of those the delay was not due to the CPS and each of the four files showed evidence of pro-active case management and progression by the Area. Crown Court case progression meetings are held every two weeks. The meetings consider all trials in the firm list for the

coming two weeks. A template for the meetings has been designed to ensure that business is focussed. The aim is to ensure that all trials listed will go ahead or identify sufficiently in advance those which are likely not to proceed because of, for example, witness problems or the likely offer and acceptance of acceptable pleas. The Area is represented by an experienced lawyer who is fully prepared and able to take decisions as appropriate. We received very positive feedback from other Crown Court users about the effectiveness of the meetings.

STRENGTHS

Crown Court case progression meetings have been effective in identifying in advance issues likely to affect the effectiveness of trials in the Crown Court.

Case preparation

- 5.12 The indictments in all of the Crown Court cases we examined reflected the seriousness of the offending in terms of the numbers and level of counts. The great majority required no substantial amendment, although some of them contained minor errors which indicated a lack of attention to detail in preparation and no system of checking.
- 5.13 Although the reviews found on some files and on CMS were lacking in detailed analysis, Crown Court case preparation was more thorough. The OPA commented favourably in this respect and referred to the findings in the last Area inspection that 91.7% of briefs examined were satisfactory or better.
- 5.14 This position has been sustained. The overall quality of review and case preparation in Crown Cases was of a particularly high standard. Instructions to counsel in 93.9% of the cases we examined contained a sufficient summary and analysis of the case. Many were particularly detailed and indicated a thorough review and appreciation of the case issues. Instructions on acceptability of pleas were given in 75.8% of cases.

STRENGTHS

The standard of instructions to counsel is good with most cases containing a summary of the evidence and analysis of the relevant issues.

Effective, ineffective and cracked trials

Trial rates in the Crown Court

	Area target	National performance year ending September 2006	Area performance year ending September 2006
Effective	-	43.4%	44.8%
Ineffective	16.5%	18.9%	16.7%
Cracked	-	36.7%	38.5%

- 5.15 The effective trial rate in the year to September 2006 was 40.4% against the national average of 48.3%.
- 5.16 The ineffective trial rate for the same period, at 14.1%, represents improvement on the performance at the end of March 2005 which was 16.7%, although the rate at the end of March 2006 was 10.2%. In 2005-06, 5% of ineffective trials were due to the prosecution, which in fact represents only one case.
- 5.17 The cracked trial rate was 45.5% against a national performance of 39.0%. This is also a significant reduction in Area performance at the end of March 2005, which was 38.6% against a national average of 39.2%.
- 5.18 The data on cracked and ineffective trials is considered in the Area's quarterly performance reviews with the Director of Public Prosecutions, CPS Chief Executive and Director, Business Development Division. The format of these reviews also forms the basis of quarterly discussions between the CCP and each DCP individually. The reviews allow time for discussion of individual cases where necessary and lessons learned are taken back for dissemination by the DCPs. The data is also included in the performance pack for SMT meetings, which are held more frequently. In addition, the Witness Care Unit scrutinises cases in which witnesses have failed to attend.
- 5.19 Cracked and ineffective trials are also discussed by the CCJB through the Planning and Performance group and in the local ADGs.
- 5.20 Although there is clearly frequent opportunity to discuss cracked and ineffective trials in a number of fora, and issues are highlighted and lessons learned, we are concerned that the means of promulgating those lessons is neither structured nor co-ordinated. Discussion in team meetings appears to be the principal method of promulgation, but these meetings have in the past been infrequent and lawyers' and caseworkers' other commitments do not allow them to attend every one. We have referred to this issue in paragraph 4.7 and made a recommendation for a more structured approach.

Use of case management system – Compass CMS

- 5.21 The same general comments we made in the previous chapter of this report in relation to use of CMS in magistrates' courts cases apply equally here, although recent data has shown a steady increase in the number of Crown Court reviews on CMS. The figure for July 2006 stands at 78%. The number of indictments prepared using CMS is increasing.

6 PRESENTING AND PROGRESSING CASES AT COURT

The standard of in-house advocacy is good. Although the use of agents in the magistrates' courts has been reduced, the quality of agents is often less than acceptable. There is no training provided for agents, nor is performance formally monitored. Prosecutors' timely attendance at court is mixed although, in the west of the county where the CJSSS pilot is being operated, the requirement of attendance at court by 9.15am is adhered to. Prosecutors are willing to engage with witnesses at court.

Advocates ensure cases progress and hearings are effective

- 6.1 The CPS has set standards for its advocates, internal and external. These National Standards of Advocacy were updated in August 2003 and contain standards, guidance and prompts. Paramount is that prosecution advocates act - and are seen to act - in the public interest, independently of all other interests, fairly, fearlessly, and in a manner that supports a transparent system that brings offenders to justice, respects the rights of the defendant and protects the innocent. We assess advocates against these standards, taking account of the fact that the context of court sessions will vary from trials to bail applications to pleas of guilty and remand courts.
- 6.2 The evidence from other court users about the punctuality of CPS prosecutors at court gave a mixed picture. The time before court is useful to enable all court users to discuss issues likely to affect progress of court business. Not all prosecutors are at court in sufficient time to allow this to be done. It is not all one way: even when the prosecutor is available in court before the start, not all other court users are there.
- 6.3 The CJSSS pilot in the west of the county requires prosecutors to be at court at 9.15 for a 10am start and attendance is generally prompt.
- 6.4 We received positive evidence about prosecutors' availability and willingness to engage with witnesses at court. They make early contact through the Witness Service volunteers.
- 6.5 Prosecutors show an awareness of sentencing issues, though they are rarely if ever asked to advise the court on its powers. This is normally the province of the court legal adviser. They do refer to sentencing guidelines and sentencing case law when dealing with mode of trial representations in relevant cases.
- 6.6 Examination of completed cases and files examined at court revealed that the quality of endorsements was mixed and, in general, the standard could be improved. There are some examples of endorsements with too much information, particularly in the Crown Court. Minute sheets recording court hearings often include detailed remarks by counsel and the judge. Notes of evidence are also contained in one comprehensive note dealing with the result of the hearing. Although these are clearly important details which should be recorded, they would be better contained in a separate note so that the details of the hearing are not lost in a larger record of events.

 ASPECTS FOR IMPROVEMENT

Action should be taken to improve the standard of endorsements of court hearings.

The standard of advocacy

- 6.7 We observed a number of advocates in different courts. Our findings, applying the standards described in paragraph 6.1, are set out in the table below.

Advocacy	Outcome Level	CPS advocates/ designated caseworkers in the magistrates' courts Number	Counsel/solicitor agents in the magistrates' courts Number	Higher Court Advocates and other CPS advocates in the Crown Court Number	Counsel in the Crown Court Number
Assessed as above	1				
normal requirements	2				
Against CPS	3+	1	3		
National Standards	3	2			4
of Advocacy	3-				
And those assessed as	4		1		
less than competent	5				

Assessment:

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

3+ = Above average in some respects; 3 = Competent in all respects

3- = Technically competent, but lacking in presence or lacklustre

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

- 6.8 In general CPS prosecutors are well prepared and have sufficient knowledge of their cases to deal with issues and progress court business. We received favourable comments about the quality of lawyers and designated caseworkers (DCWs) in the magistrates' courts and Higher Court Advocates (HCAs) in the Crown Court. The Area emphasis on deployment of HCAs has seen a migration of the more experienced CPS prosecutors from the magistrates' courts, though the standard of those remaining gives no cause for concern.

- 6.9 There are some instances of CPS prosecutors (other than DCWs) applying to adjourn cases to discuss them with the reviewing lawyer and even to consider CPS Direct advice before proceeding. Whilst not infrequent, such instances do not give rise to particular concern, but should nonetheless be avoided. CPS prosecutors have the full conduct of the case in court and should have the experience and authority to make decisions about the conduct of those proceedings. The need to refer a case to another prosecutor should arise in only very rare and exceptional circumstances.

- 6.10 There are greater problems with agents who are often less prepared. Most agents in the magistrates' courts are inexperienced junior counsel who have little knowledge of court procedure. They come from chambers in Manchester and Liverpool and sometimes do not see their files until they arrive at court. Training is not provided to agents by CPS Cumbria, nor is their performance monitored to any extent on a formal basis. The overall performance assessment (OPA) observed that the Area's instruction pack for agents needed substantial revision. The pack was updated and re-issued to agents in June 2006 and should be kept under review to ensure it retains its currency. Although agent usage may have been reduced, it is still incumbent upon Area managers to ensure that agents are sufficiently trained and properly prepared in order to present cases effectively and assist court business.

RECOMMENDATION

The Area should review its systems for using agents in the magistrates' courts to ensure that they are properly trained and prepared to undertake prosecutions effectively.

- 6.11 Facilities at some courts are very basic, although CPS advocates receive no less favourable treatment than other court users. In some courts, there are no separate facilities for CPS staff and an advocates' room has to be shared with defence lawyers. Some courts do not have dedicated IT equipment including fax or telephone and the court's facilities have to be borrowed.
- 6.12 DCWs are more effectively deployed following the increase in their powers to deal with aspects of casework which has enabled the court to put more casework into dedicated DCW courts.
- 6.13 HCAs are deployed in the Crown Court to deal with preliminary hearings in indictable only cases, plea and case management hearings and committals for sentence. Their performance has been the subject of favourable comment from other court users. More recently they have begun to undertake trials.
- 6.14 There is no formal or systematic monitoring of advocacy in either the magistrates' courts or the Crown Court, other than formal monitoring of CPS prosecutors for performance appraisal purposes. This was identified as an aspect for improvement in the OPA, but little has been done to change the position. This is something which requires further and more immediate attention.

RECOMMENDATION

The Area should take immediate action to introduce a formal structured system of monitoring the quality of advocacy of agents in the magistrates' courts and counsel in the Crown Court.

7 SENSITIVE CASES AND HATE CRIMES

The quality of decision-making in sensitive cases is good. There are no specific monitoring systems for specialist cases other than assessment under the Casework Quality Assurance scheme, although the effectiveness of this is limited. Any race hate case which is to be dropped or reduced is referred to a DCP for decision. The Area has appointed specialists and Champions in all required specialist and sensitive cases. However, resources mean that some staff have more than one special responsibility, which may reduce overall effectiveness in this respect, and some had not received appropriate training. The Area is pro-active in pushing forward proposals for a specialist domestic violence court in Carlisle which will open in February 2007.

Quality of advice and decisions

- 7.1 The quality of decision-making in sensitive cases and hate crimes is good. Our file sample contained 21 sensitive cases including child abuse, domestic violence and race hate crimes. In each case, the decision at charging and initial review complied with the *Code* tests. We also examined four domestic violence cases which were subsequently discontinued. The decision to discontinue accorded with the *Code* in each case and followed further evidence or information about the case which affected the original decision. Two of the cases were discontinued because the victim indicated she no longer wished to proceed. In both cases, before discontinuing, the reviewer properly considered whether it was possible and appropriate in the public interest to proceed despite the victim's wishes.
- 7.2 There are no special arrangements made in charging centres for all specialist and sensitive cases to be dealt with by specialist lawyers. This aspect has been dealt with earlier in the report at paragraphs 3.14 and 3.15.

Specialists and experts

- 7.3 Cumbria has appointed specialists and Champions in all sensitive cases. Specialists do not deal exclusively with cases within their specialism but are available for consultation and advice. The role of the specialist has been specifically defined and a list of specialists has been circulated to all staff.
- 7.4 Some specialists have also been assigned as "co-ordinator" for their particular topic and this includes acting as the focal point for new national initiatives and policies and responding to HMCPSI thematic reviews. It is their responsibility to consider reports and recommendations and advise the Area as to any appropriate action that may be required locally.
- 7.5 There are some concerns because many staff have been given more than one specialism, sometimes up to four, which is to some extent inevitable in a small Area. Specialists need to be pro-active in promoting their specialism which is more difficult if they are over-burdened.
- 7.6 There are similar issues in respect of training. The size of the Area and numbers of staff involved has made it difficult to provide appropriate training for all specialists within a desired timescale. However, staff training needs have been identified by analysing individual performance development plans. As a result training is being planned in a number of specialisms, including Anti-Social Behaviour Orders (ASBOs), POCA, domestic violence, Special Measures and witness care.

RECOMMENDATION

The Area should review its approach to specialists and Champions with a view to rationalising the system and ensure that they receive appropriate training.

- 7.7 The Area does not currently have a specialist domestic violence court. However, the CCP is driving forward a current project which aims to establish such a court at Carlisle by February 2007. The project is being overseen by the Cumbria Domestic Violence Strategic Board, of which the CCP is a member. It includes the principal criminal justice agencies and a local specialist victim support group, the Let's Go project, which is providing valuable assistance. A joint training programme is being developed for all agencies involved in the project which will be delivered in the months running up to opening of the court.
- 7.8 There is no specific formal system for monitoring and analysing sensitive cases. They are monitored with other cases through the adverse case reports and appropriate cases are considered by the CCP. Some are picked up during Casework Quality Assurance (CQA) analysis but neither of these systems is specific to sensitive cases and the effectiveness of CQA is limited (see paragraphs 13.24 and 13.25).

ASPECTS FOR IMPROVEMENT

The Area should introduce a system for monitoring and analysing casework issues in specific types of sensitive cases.

- 7.9 Any race hate case in which the charge is to be discontinued, reduced or amended to proceed on a charge which does not reflect the hate element will be referred to a DCP for final decision. In that way, they are aware of instances where this occurs and can take appropriate action. Results are noted within the Racial Incident Monitoring Scheme.

Outcomes

- 7.10 On average, Cumbria deals with proportionally fewer cases than other CPS Areas and the numbers of cases in some categories are so small as to make performance figures of limited value (for example homophobic crime).
- 7.11 Unsuccessful outcomes in hate cases⁵ stood at 35.4% in 2005-06 against 38% nationally. The figure for the quarter ending September 2006 shows a performance of 32.8% against a target of 34% and a national average of 33.5%. Unsuccessful outcomes for domestic violence have also decreased significantly. The rate at the end of 2005-06 was 38% and the rate for the quarter ending September 2006 was 34.6% against 35.7% nationally.

5 Hate crime comprises domestic violence, racist and religious incidents and homophobic crime. Unsuccessful outcomes comprise all cases not resulting in conviction

- 7.12 Because of the importance of performance in dealing with hate crime, the CCP incorporated it as the theme for the community engagement strategy. The Area Business Plan includes hate crime as a specific theme and highlights it as a key priority for 2006-07.

Anti-Social Behaviour Orders

- 7.13 The Area has appointed ASBO experts for the north and south of the county but does not itself have an ASBO Co-ordinator. The Co-ordinator for Lancashire has provided training or guidance for most of the Area's prosecutors.
- 7.14 In 2005-06, prosecutors made applications for an ASBO in 30 cases and they were granted in 13.

Identification and management of sensitive cases

- 7.15 The 2005 OPA process identified some weaknesses in identifying sensitive cases and flagging them on files and on CMS, which continues to be the case. Responsibility for this lies initially with casework administrators. Prosecutors are responsible for identifying cases at pre-charge stage and for picking up any files which have not been flagged by administrators. Performance has, however, been mixed in this respect and there is still an acknowledgment that some cases are not flagged, making it sometimes necessary to give reminders to staff in team meetings and through the Area newsletter. Inspectors' examination of CMS confirms that some progress is being made.

Safeguarding children

- 7.16 The Area pays special attention to the interests of children whether they are victims, witnesses or being prosecuted for offences. A child abuse specialist and a youth specialist play the role of co-ordinators in their specialism and attend appropriate multi-agency groups. Links have been established with the local Safeguarding Children Boards, although the child abuse specialist does not attend every meeting.
- 7.17 The CCP serves as a senior officer on the Youth Offenders Scheme Management Board which has a role in ensuring that appropriate resources are apportioned to give priority to children within the Area.

8 DISCLOSURE OF UNUSED MATERIAL

The Area's performance in respect of disclosure of unused material continues to be good in substance but with a need for better recording and marshalling of material. Joint training has improved the standard of police schedules and prosecutors display a good knowledge of the law and principles of the Disclosure Manual. There are four Disclosure Champions who provide training and advice to other lawyers and caseworkers and continue to be involved in joint training with the police. Prosecutors do not always record details of their decision on the disclosure schedules and Disclosure Record Sheets are rarely properly completed. Some important documents are difficult to locate within the file.

Decision-making and compliance with the duties of disclosure

- 8.1 In the OPA, Cumbria's performance in respect of disclosure of unused material was assessed as "Good", as was Area performance at the time of the last inspection, when it was better than the national average in all aspects except primary or initial disclosure in the Crown Court. That level of performance has been maintained and demonstrated again in the current inspection.

	Inspection May 2004	Overall findings for all CPS Areas	OPA*	This inspection
Initial (or primary) disclosure dealt with properly in magistrates' courts' cases	90%	71.6%	No assessment	84.9%
Continuing (or secondary) disclosure dealt with properly in magistrates' courts' cases	NA	NA	No assessment	87.5%
Initial (or primary) disclosure dealt with properly in Crown Court cases	75%	79.9%	No assessment	94.1%
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	77.8%	59.4%	No assessment	86.8%

* Although a number of Crown Court files were examined on-site as part of the OPA, the sample was insufficient for statistical analysis. However, it confirmed that unused material was generally handled correctly, although some schedules were not properly endorsed and the Disclosure Record Sheet was not always completed

- 8.2 Our file examination showed that out of 104 magistrates' courts and Crown Court cases examined, initial disclosure was dealt with correctly in all but 11 (89.4%). Although we examined fewer cases in the Crown Court, average performance was better at 94.1%. Secondary or continuing disclosure was handled properly in 46 out of 53 relevant cases (86.8%) and sensitive material was dealt with properly in 50 out of 59 relevant cases (84.8%).
- 8.3 The quality of completion of police schedules was very good. Police disclosure officers' descriptions of material were generally sufficiently detailed to allow prosecutors to make a decision on the relevance of items without the need to see the material itself.
- 8.4 There were, however, some shortcomings in the recording of decisions on the disclosure schedules. In 11 out of 104 cases (10.6%), there was no proper record of the prosecutor's decision on disclosure of non-sensitive material. In each of those cases, the prosecutor signed

the schedule but did not record the decision as to how specific items were to be dealt with, for example "CND" (clearly not discloseable), or "copy to defence". There was no record of the reasons for the decision in respect of secondary or continuing disclosure in seven cases (13.1%).

- 8.5 There were many cases (40.6%) in which the Disclosure Record Sheet was not completed, although this in itself did not influence our decision adversely as to whether material had been properly handled.

ASPECTS FOR IMPROVEMENT

Prosecutors should record their decisions on the disclosure schedules indicating how items of material are to be dealt with. Disclosure Record Sheets must be completed showing all actions and discussions in respect of unused material.

- 8.6 An adequate defence statement was provided to the CPS in all but 12 of the 53 relevant cases. The prosecution responded to this in all but seven cases as far as we could ascertain. In some cases, we found no evidence that the defence statement had been forwarded to the police. In others, although the defence statement had been sent to the police, we could not ascertain events thereafter. It is possible that the proper procedure was followed in some or all of the seven cases and that poor file housekeeping made the evidence impossible to locate. It is nevertheless important that, not only should the prosecution comply with its duties to disclose material at all stages of the prosecution, but it must be able to demonstrate this. We refer to this issue again in the following paragraph.

Sensitive material

- 8.7 The Area has appropriate systems for the storage of sensitive material. In general, practice is not to keep any items in the CPS office if it can be avoided. However, the sensitive material schedule was stored in the file in the same folder as the non-sensitive material schedule. In some of the bigger cases, papers appeared to have become mixed making some documents and schedules hard to find and making the disclosure audit difficult.

ASPECTS FOR IMPROVEMENT

The storing of unused material and disclosure schedules should ensure that any material and schedule can be easily located.

- 8.8 The Area keeps a log of cases which raise issues of public interest immunity (PII) and in which application is made to the court for a decision on disclosure. There has been only one such case recently but lawyers have a good awareness of PII issues.

Action to improve

- 8.9 The Area has four Disclosure Champions, two of whom are designated disclosure trainers. Training has been delivered on the disclosure provisions of the Criminal Justice Act 2003, the Disclosure Manual and, more recently, on advanced and specialist disclosure issues in the more serious and complex cases. A series of courses is also being delivered with the police on dealing with this aspect of disclosure. Joint training with the police has been instrumental in raising the standard of completion of disclosure schedules.

9 CUSTODY TIME LIMITS

The Area system for monitoring custody time limits accords with national guidance. Staff awareness of the system is not consistent and training on a revised system was not due to be delivered until some six months after its implementation. File examination showed inconsistent approaches to monitoring. One expiry date had been incorrectly calculated, probably as a result of a failure to endorse details of the remand hearing. Applications to extend time limits are made in good time, but the decision to apply for an extension in Crown Court cases is not routinely made by a lawyer. Quarterly audits of the monitoring system are carried out by administrative managers.

Adherence to custody time limits

- 9.1 There have been no custody time limit (CTL) failures reported by the Area for the last three years.
- 9.2 Ten files were examined in which custody time limits applied. The expiry date had been incorrectly calculated in only one case, in which it was one day too early. The miscalculation was likely to have been due to a failure by the lawyer in court to endorse the date the case was first in court and the defendant remanded.
- 9.3 In six of the cases seen, an application to extend the time limit had been made. The application was served in good time in all but one case.

STRENGTHS

Applications to extend the custody time limit are served in good time.

- 9.4 In Crown Court cases in which extensions had been applied for, it was not clear if a lawyer had personally made the decision as to whether an extension was appropriate. Other evidence confirmed that it was not usual practice for lawyers to make the decision in these cases. Applications were usually made by caseworkers as a matter of routine and without consideration of the relevant issues in individual cases, contrary to national instructions and Cumbria's own guidance. Applications to extend a custody time limit require a legal judgment to be made to determine that there are proper grounds for an application and that the prosecution has acted with due diligence and expedition.

RECOMMENDATION

All files in which there is an application to extend the custody time limit in Crown Court cases should be reviewed by a lawyer to ensure that an application is appropriate.

Area custody time limit systems

- 9.5 Cumbria's written system, implemented this year, is comprehensive, covering all aspects of the national guidance and includes some elements of good practice. The Area has made positive efforts to further improve its system by examining another Area's CTL system and adopting new elements of good practice.

- 9.6 Staff awareness of the system was not consistent, and though the updated system had been issued in April 2006, no training had yet taken place (although it was scheduled to take place shortly after our visit). Examination of the files highlighted inconsistencies in practice, some of which were not in accordance with the written system.

RECOMMENDATION

The Area should take steps to ensure compliance with its written custody time limit system through staff training and continued compliance checks.

- 9.7 The monitoring system was well maintained with both manual diaries and CMS being kept up to date.
- 9.8 Court endorsements were not always clear on the custody status of the defendant at each hearing. In three of the ten cases seen, vital information was missing and in one case administrative staff had to contact the court to find out if an application to extend the time limit had been made and the new expiry date.
- 9.9 The courts were not routinely involved in the calculation and monitoring of expiry dates and there are no protocols with them to facilitate this. In one office, administrative staff sent a standard letter to the Crown Court with details of the expiry date and this practice should be extended to other offices in the Area.
- 9.10 Lawyers in the magistrates' courts were tasked with calculating the expiry date at court which then would be checked by the administrator updating the file. Though most lawyers were endorsing the expiry date on the file, the practice was not universal.
- 9.11 Though one of Cumbria's senior managers has an objective to ensure that no CTL failures occur due to administrative errors, most senior managers are not routinely involved in the management of the monitoring system. Administrative managers who oversee and operate the system have been tasked to provide quarterly audits of custody time limit cases, which encompass both the monitoring system and the files. The reports highlight problems and good practice and are discussed at meetings between the administrative managers and the Performance and Resources Manager.

STRENGTHS

Administrative managers carry out quarterly audits of custody time limit cases and the system.

ASPECTS FOR IMPROVEMENT

Senior managers should actively assure themselves of the effective monitoring of custody time limit cases.

10 THE SERVICE TO VICTIMS AND WITNESSES

The service to victims and witnesses showed a mixed performance. Duty prosecutors do not routinely consider witness needs at the point of charge, although Special Measures applications are made in appropriate cases, but in some instances these are made late. The numbers of letters sent to victims following the dropping, or substantial alteration, of a charge are increasing and timeliness is improving. The Witness Care Unit, based in Kendal, has not yet met the minimum standards for witness care. Consideration is currently being given to the future of the unit when central funding is withdrawn in 2007.

Meeting the needs of victims and witnesses

Case decision-making

- 10.1 Prosecutors do not always seek to ascertain or anticipate the likely needs of victims and witnesses when making pre-charge decisions on cases. A recent review of cases subject to a pre-charge decision, conducted by the Area, resulted in a reminder to lawyers to ensure early consideration of issues such as Special Measures and whether a Victim Personal Statement had been given or offered.

ASPECTS FOR IMPROVEMENT

Managers should ensure that witness needs are taken into account at the pre-charge decision stage.

- 10.2 The Area has a number of specialist prosecutors - usually one in each office - although review of cases involving rape and domestic violence, for example, may not always be undertaken by a specialist. We have commented earlier in this report, at paragraphs 3.14 and 3.15, on the informal arrangements in charging centres, which do not usually ensure the early involvement of an appropriate specialist in sensitive cases. We have made a recommendation which will ensure greater oversight of such cases by specialist lawyers and also ensure that particular attention is paid to the special needs of victims and witnesses.
- 10.3 Cases involving sensitive issues in which discontinuance is being considered are referred to the DCP before action is taken.

Special Measures

- 10.4 Special Measures are considered and applied for in appropriate cases, although the applications are not always timely. In a small number of cases the Witness Care Unit (WCU) may alert lawyers to cases in which a Special Measures application may be appropriate, but which may have been overlooked.
- 10.5 We examined 15 cases in which applications for Special Measures were made. In three of those the needs of the witness were not considered sufficiently early and application was made out of time in one case.

ASPECTS FOR IMPROVEMENT

Greater attention should be paid to the needs of victims and witnesses at an earlier stage in the case to ensure that needs are met and applications for Special Measures are timely.

Direct Communication with Victims

- 10.6 Area performance in relation to providing letters to victims in cases in which charges are substantially altered, dropped or discontinued has improved in 2006. Performance against the proxy target, which provides an estimate for the number of letters required to be sent, stood at 48.4% in 2005-06 but increased to 65.8% in the first quarter of 2006-07.
- 10.7 Performance in relation to the timeliness of the letters has also improved. Between January-June 2006, the percentage of letters sent within five days after the decision to drop or substantially alter a charge ranged from 76% to 89%. The figure at the end of June 2006 stood at 82%. Performance figures in relation to Direct Communication with Victims (DCV) are included in the monthly performance report prepared for the senior management team meeting.
- 10.8 The Area does not have a specific flag on CMS to identify all cases which involve a victim so it is not possible to use CMS to track or identify all such cases in which a letter may need to be sent to a victim.
- 10.9 The quality of the letters seen was generally satisfactory, though some did not clearly or fully explain the reason for the decision or lacked empathy. Some letters were particularly well drafted providing a detailed explanation, or with the needs of the victim in mind.

Witness Care Units

- 10.10 The WCU in Cumbria is based in Kendal and has provided coverage for the whole county since the beginning of 2006. It is staffed by both CPS and police employees.
- 10.11 The initiative has been overseen by a project board, a sub-group of the Cumbria Criminal Justice Board (CCJB). The No Witness No Justice (NWNJ) project board includes representatives from the CPS, police, Victim Support, CCJB and, more recently, the courts. The project board meets regularly to discuss the performance of the WCU and to ensure that levels of performance are maintained.
- 10.12 The national No Witness No Justice team conducted a final assessment of the unit and signed over ownership of the project to the CCJB. Earlier in the year concerns raised by the Board led to an independent consultant being commissioned to determine ways in which the unit could work towards achieving the minimum requirements.
- 10.13 The unit, at the time of the inspection, had ten witness care officers and it was acknowledged in the consultant's report that each officer carries a heavy workload, particularly when compared to Area's with a similar caseload.

- 10.14 WCU staff were in daily contact with staff in CPS offices and were notified by secure e-mail of witnesses required to attend court. CPS staff have a target to provide a list of witnesses required for court within 24 hours of the pre-trial review. However, this was not always achievable due to staffing difficulties in some offices. The administrative managers for each office act as case progression officers for magistrates' courts' cases and will check the accuracy of the information on the witness warning list when dealing with files to be discussed at case progression meetings with the court.
- 10.15 The WCU is committed to keeping witnesses informed of significant events in the progress of the case, but this information may not always be provided in a timely manner because of delays in the receipt of necessary information from other agencies or due to the heavy workload and conflicting priorities of the witness care officers. Inspectors found a particular example of this - two witnesses at Crown Court in a death by dangerous driving case reported that they had received no contact or information from the time they had given their statements to the time they received notice that they were required to attend court to give evidence at the trial.
- 10.16 One example of commendable inter-agency working is the immediate notification to the WCU of bail given to defendants or changes to bail conditions that might affect the victim. The WCU can then pass this information on to the victim straight away.

No Witness No Justice

- 10.17 The WCU Manager provides a monthly performance report to the NWNJ project board. The report, which is considered by the multi-agency group, details information relating to the primary and secondary measures of performance along with a commentary and suggestions for improvement if necessary. The information contained in the report relates only to cases in the magistrates' courts, as data from the Crown Court is not provided to the WCU.
- 10.18 The WCU Manager carries out periodic reviews of the unit's progress toward meeting the minimum requirements. Recent reviews show that not all the requirements have yet been achieved, although only one aspect – the requirement to complete a full needs assessment for all witnesses – is assessed as 'red'. Currently, full needs assessments are carried out in relation to victims only and existing staffing levels within the unit are unlikely to support the early extension of the minimum requirements to all witnesses.
- 10.19 Performance data shows a reduction in the number of ineffective trials in the magistrates' and Crown Courts due to absent civilian witnesses. In the magistrates' courts the figure has almost halved to 16.6% in the year to June 2006. In the Crown Court in the six months to March 2006, only one of 20 ineffective trials was due the absence of a prosecution civilian witness.
- 10.20 Witness attendance rates at court are high and remain in excess of 80%. However, this figure may not be entirely accurate as the WCU relies on feedback on witness attendance from other agencies and it is clear that this was not always forthcoming. Efforts have since been made to ensure that accurate information regarding the non-attendance of witnesses is consistently passed on to the WCU.

- 10.21 Although the WCU is providing a good level of support and information to victims and witnesses, the benefits of the scheme will not be wholly realised until the unit is able to apply the minimum requirements in full. This is in part reliant on an improvement in the information flow from other agencies including the CPS, police and the courts. Work was in hand at the time of the inspection visit to raise awareness within the other agencies of what information is required by the WCU and the importance of prompt communication. A strengthening of the protocols between the agencies setting out the responsibilities of each party may also help to improve information flows.
- 10.22 There are current uncertainties about the future funding arrangements for the unit from April 2007 when it is anticipated (though not yet confirmed) that the centrally provided funding will cease. All agencies are committed to continuation of the WCU and the Cumbria Criminal Justice Board is carrying out a sustainability review of the unit which will assess staffing levels against workloads. The review report will be presented to the NWNJ national project team.

Pre-trial interviews with witnesses

- 10.23 The Area has been chosen to participate in a nation pilot of pre-trial interviews with witnesses (PTIW). In selected cases, as part of the review process, victims may be interviewed by a CPS lawyer to assess the impact of their evidence. Interviews take place in controlled conditions and witnesses are provided with information about the procedure which may, in some instances, result in the case not being proceeded with. The pilot commenced in February 2006 and a number of interviews have been conducted by two designated lawyers. The scheme is to be evaluated formally later in the year and it would not be appropriate to make comment in this report other than to say that the scheme is regarded in a positive light by the CPS and the police.

11 DELIVERING CHANGE

The Area has just undergone re-organisation to a divisionally-based structure, but other factors mean that future re-structuring of some kind is still likely and staff uncertainty is leading to low morale. The Area plan sets out a clear vision for the future and there is an increase in emphasis on planning with its partners. Management of key joint projects is improving. There has been some success in managing locally and nationally-driven change, but more attention should be paid to risk management. There is progress in improving and focusing the training and development programme but training for administrative staff has been less structured and many managers new to their posts would benefit from management training.

Purpose and planning

- 11.1 During 2004-05, the Area determined that it needed to review its staffing structures and working practices to enable it to meet the growing national expectations for the CPS. It called in CPS Headquarters to assist in reviewing structures and identifying an appropriate and affordable structure for the future. The findings of this review were accepted by the Area, alongside the findings of the last inspection conducted in 2004, and formed the basis of a major change programme.
- 11.2 The change programme has entailed the Area moving to a divisionally-based structure more closely aligned to police structures. Four DCPs were appointed in 2005 with a significantly enhanced management role and greater accountability for performance. A new CCP was appointed in late 2005 and in early 2006 three Divisional Administration Managers (DAMs) were appointed to support the new DCPs. At the same time changes were made to Secretariat roles, with the introduction of a Performance and Resources Manager and Business Support Manager.
- 11.3 Subsequently the prospect of police reform came to the fore, bringing with it the potential for further structural change within the CPS. At the time of the inspection, the proposed merger between Cumbria and Lancashire Constabularies had been halted and future plans were dependent upon an impending meeting with the CCP of CPS Lancashire. Given this, there was a high degree of staff uncertainty about the future structure of CPS Cumbria. In all, the last 18 months has been a period of great change for the Area, with the prospect of further change in the future.
- 11.4 Senior managers have embraced the need for change well and demonstrated a good level of corporacy in implementing the changes. However, the move to a more managed and accountable structure and the need to work within a tight budget, accompanied by a real focus on performance management, has not been without its tensions and difficulties. Some longer-standing staff who have not been used to being closely managed have found the change particularly difficult. Many staff anticipate further change and were anxious to know what lies ahead. In effectively addressing staff concerns it will be important for the Area to develop and communicate its future plans for any further re-organisation to staff.

RECOMMENDATION

The Area should take action to agree its future plans for any further re-organisation and change and communicate these plans to staff.

- 11.5 The Area Business Plan (ABP) for 2006-07 sets out a clear vision for Cumbria in the short-term which reflects well the key national priorities and associated targets for the CPS. It was developed and agreed with the involvement of a cross-section of staff at an 'away day' held early in 2006. However the plan does not address the longer-term structural issues which now need to be tackled.
- 11.6 The ABP is supported by a detailed Delivery Plan which comprises targets, key milestones, accountabilities and outcomes and which link to the CPS vision and Public Service Agreement (PSA) targets. There is, however, scope for further refinement, particularly in view of the decision not to have unit or team plans. For example, for some objectives there is more than one accountable person, and it is not clear who is responsible for what actions; key milestones are not always "SMART" and targets and outcomes are not all as specific as they might be.
- 11.7 Since July 2006, the Area has commenced reviews of the Business Plan, but there is scope for the review process to be refined further. For example, many review notes are very brief and do not convey a clear picture of progress. Clearer notes could potentially provide an aid for managers to feedback progress to staff and discuss where further work is needed locally. There is also scope to include review of progress against the Area's new People Plan, Workforce Representation Plan and Race Equality Scheme (RES) as part of this process.

ASPECTS FOR IMPROVEMENT

The Area Business Plan review process should be further developed and refined.

- 11.8 Until this year, substantial delays in completing appraisals and agreeing Forward Job Plans (and the fact that, in practice, many were not completed) meant that appropriate links between the ABP and individual job plans were not made. However, this year there has been good progress in getting up-to-date with performance appraisals and agreeing Forward Job Plans, and better links are now being made between Area and individual objectives. The Area will need to ensure its overall Delivery Plan is sufficiently detailed to enable clear accountabilities and objectives to be developed for staff.
- 11.9 There is good evidence of increasing joint planning with criminal justice partners to meet medium and longer-term Area objectives. In addition to joint work involved in implementing statutory charging and the roll-out of the WCU to cover the whole county in late 2005, the CPS was a key participant in a jointly funded consultancy project in mid-2005 to consider ways to improve joint and inter-facing processes between agencies. The Area's Performance and Resources Manager has undertaken a co-ordinating role in implementing the recommendations arising from this work, which are leading to improvement. Joint planning in relation to the CJSSS pilot in the Area provides a good example of joint working towards a common objective with good results, and criminal justice partners have been successful in a joint bid for funding to run a domestic violence court in the Area.

Change management

- 11.10 The Area developed its change management strategy and plans with the help of an external consultant. A change management team was established, led by a DCP, to assist in the implementation phase and managers received training in project management and managing risks. In the case of other local and nationally-driven change projects, staff have been appointed to oversee and manage each individual project.
- 11.11 There is evidence of some success in managing both local and nationally-driven change. At a local level, although it is still early days, the new Area organisational structure appears to be working well in providing clearer and more focused governance and accountability arrangements and in supporting performance improvement. The new structure has also served to facilitate the development of more consistent working practices across the Area, drawing on and sharing good practice.
- 11.12 While the internal change programme has been reviewed informally by the SMT and some refinements made as a result, the full new structure has now been in place for six months and there would be value in undertaking a formal review of how it is working in practice. This would provide a sound basis for planning any further change programme.
- 11.13 National programmes implemented locally, such as the Higher Court Advocate (HCA) and Compass projects, have more recently been subject to regular review. For example, progress with Compass is reviewed by the Local Implementation Team (LIT) and improvements made as a result. Progress with the HCA programme is reviewed between the project lead and the CCP. CMS usage has improved steadily since the LIT was formed in December 2005 and HCA usage has shown good signs of improvement recently.
- 11.14 Joint agency change projects and pilots, such as statutory charging, NWNJ and CJSSS, have been subject to formal reviews initiated by the respective project boards and have identified further improvements and actions. In the overall performance assessment (OPA) we expressed concerns about the project arrangements for the implementation of statutory charging. Cumbria moved to statutory charging in December 2005, and there is evidence that charging is being implemented more successfully now with improving benefits realisation, although at the time of our inspection final arrangements for delivering statutory charging had still to be agreed. Also in December 2005, the Witness Care Unit was rolled-out county-wide, even though it did not have the staff to resource this. Although the Area has worked hard to manage the extended coverage of the WCU, progress continues to be hampered by resourcing difficulties and there is some way to go to meet all minimum standards. There is not yet a contingency plan for the prospect of funding cutbacks in 2007 which are a real possibility. The Area now needs to plan strategically for the longer-term future of these two important projects and how they will fit within its overall vision.
- 11.15 There is some evidence of links between key projects and staff training. For instance prosecutors and managers have attended the Pro-active Prosecutor Programme (PPP) as part of the statutory charging project. However, in other aspects of change linkages have not been made as systematically as they might have been, for instance in relation to management training to support the re-structuring process.

- 11.16 Most key risks are identified in the Risk Register although some of these could be articulated more clearly, for example the risk identified of 'police under-performance'. Some risks and counter-measures though are not identified, for instance the significant risk to the performance of the WCU in the event of potential cutbacks in funding. Not all managers responsible for change projects have received risk management training and insufficient attention generally is paid to risk management. Whereas the Area Delivery Plan has been reviewed there is no evidence of regular review of the Risk Register and at the time of the inspection a number of risks in it were in need of updating.

ASPECTS FOR IMPROVEMENT

The Area should introduce regular Risk Register review and revision and training in risk management for all project leads.

Staff skills and training

- 11.17 Progress is being made in improving and focusing training and development activities. The OPA found that there was no Training Plan in place in 2004-05 or 2005-06. Although there is still not a detailed Training Plan for 2006-07, a series of 16 training priorities for the year have been identified that clearly link with the needs of the business and a training strategy is being developed.
- 11.18 The Area has recently revised its induction pack and there are appropriate arrangements in place for the induction of new staff. Individual training needs of staff thereafter are identified through the appraisal process, which is now nearly up-to-date, and the majority of staff indicated that they have a personal development plan.
- 11.19 Quarterly magistrates' courts' closure days are well used for training purposes and, in general, legal staff were satisfied with the level and quality of training provided. Some concerns were raised by Area Champions who did not all consider that they were given sufficient training to fulfil these roles properly. Key mandatory training for legal staff, namely Pro-active Prosecutor Programme and, for designated caseworkers, covering extended powers, has taken place.
- 11.20 Administrative training is largely provided on the job by colleagues and many staff are multi-skilled, allowing them to cover for colleagues, which is essential in small offices. The quality and consistency of future 'on-job' training should be improved with the recent introduction of desk-side instructions for most administrative roles. Administrative staff's views on development training were more mixed, with many expressing concerns that there were limited opportunities for development and some training identified was carried forward from year to year in job plans.
- 11.21 Many managers are relatively new to their roles and would benefit from further development training. It is disappointing that senior managers have not been able to attend the nationally organised Transform Unit Head development programme as planned. The Area needs to find other means of addressing the development needs of its managers in particular in the effective management of change and dealing with conflict inherent in this. While the Institute

of Learning and Development training being organised for line managers in November may go some way towards this, further training is likely to be needed, particularly for more senior staff. It will be important for the Area to ensure that all its managers are well equipped and prepared to bring about planned changes and developments, particularly with the prospect of further changes ahead.

11.22 Dignity at Work is identified as one of the priority training areas. While the majority of staff have attended equality and diversity training in the past and the *Dignity at Work* booklet was re-circulated earlier this year, no further diversity training had been planned for 2006-07. One of the actions identified in the local Race Equality Scheme is that 'all new staff will attend a CPS equality and diversity training course'. Although equality and diversity is briefly covered within induction training, not all new staff had undertaken the equality and diversity e-learning training module designed for new staff.

11.23 Appropriate arrangements are made to ensure good staff access to training. For instance training venues are rotated and some part-time staff said they were given good notice of training so that they could make arrangements to attend.

ASPECTS FOR IMPROVEMENT

The Area should ensure that appropriate development training is provided for managers, particularly those new to management roles.

All new staff in post who have not yet received equality and diversity training should be required to complete the equality and diversity e-learning module, and the diversity training needs of existing staff evaluated with a view to arranging appropriate refresher training.

12 MANAGING RESOURCES

The Area has made significant improvements in the systems and processes used to account for and manage its resources since our OPA and action has been taken to improve value for money. While re-structuring, and some re-allocation of staff and responsibilities, are helping to ensure better use and distribution of resources, with relatively small offices it is difficult for the Area to achieve real economies of scale and it is conscious that further change is needed. Continuing high sickness absence levels are putting some plans at risk.

Use of resources and budget control

Non ring-fenced administration costs budget outturn performance (end of year ranges)

2005-06	2006-07 (Quarters 1 and 2)
102.81% of budget	99.38% of budget

- 12.1 The Area has a history of significant overspends and the new CCP has taken a pro-active role in budget management. Advice has been taken from Headquarters and monthly review meetings are now held between the CCP and Area Business Manager (ABM). The Area budget is a standing item on the SMT agenda and, since the beginning of this financial year, monthly budget reports have been provided to senior managers. There is scope for these to be refined and developed further; for example to provide a clearer update and analyses in respect of travel and subsistence, stationery costs, agent usage and prosecution costs. The new senior management team has taken some hard decisions in an attempt to keep within budget, for example deciding not to replace staff.
- 12.2 The budget is now profiled and systems are in place to ensure timely monitoring and control. In particular, a committed expenditure system was put in place at the beginning of this financial year and is working well. Training has been undertaken to ensure more accurate inputting of data into FARMs. There is evidence of regular analysis of expenditure and action taken to investigate queries.
- 12.3 There is appropriate delegation of the budget, which is limited given its relatively small size. As was the case at the time of our previous inspection, the ABM is the only person apart from the CCP experienced in financial management. The Area should consider formally developing the skills of other staff to provide contingency cover.
- 12.4 In 2005-06 Cumbria overspent by £85,000 representing 2.8% of budget (although this was an improvement on the position the previous year when it overspent by nearly 5.0%). This was despite additional funds of £17,000 having been provided by CPS Headquarters to cover some exceptional costs encountered, including those associated with re-structuring. Contributing to the poor outturn was the fact that the Area had to surrender £16,000 in respect of excess HCA funding as it failed to meet its target in this respect.

- 12.5 However, as a result of improved tracking and monitoring of expenditure and specific measures to control the administration budget - in particular, staffing costs and agent usage - the budgetary position is currently looking healthy. At the end of September 2006, the Area had spent 49.32% of its annual budget, compared to the national average of 49.44%, and had a small under-spend of £19,500, but a satisfactory budget outturn in 2006-07 is dependent on the Area meeting its HCA delivery target of 8% and the ensuing funding.
- 12.6 In 2006-07, the Area has been awarded additional No Witness No Justice funding to address under-staffing and at the time of the inspection three new staff had been recruited. It has also been successful in securing additional funds of £20,000 to provide video links to support statutory charging. Implementation of this facility has been postponed until the outcome of changes in the operation of charging centres, being piloted at the time of the inspection, is known.

ASPECTS FOR IMPROVEMENT

The Area should further refine and develop the monthly budget reports provided to senior managers to provide clearer updates and analyses in key areas of expenditure.

Value for money principles

- 12.7 There is a high level of awareness of the need to achieve value for money at all levels within the organisation and revised job descriptions make clear reference to managers' responsibilities for achieving efficient use of resources.
- 12.8 There is evidence of actions being taken to secure improved value for money, some of which have involved robust management decisions. Recent examples include better control of travel and subsistence costs, more effective use of couriers to reduce staff travel costs, arrangements with Lancashire CPS to cover routine hearings at the Crown Court at Preston and Lancaster; a reduction in Saturday call out courts and pilot changes in the deployment of staff at charging centres, as well as reduced agent usage and more effective use of DCWs and HCAs.
- 12.9 Good progress has been made in controlling the use of agents although the Area's high sickness absence level puts continued improvement at risk. Their use increased sharply in 2004-05, when 20.3% of magistrates' courts' sessions were prosecuted by agents. In 2005-06 action was taken to bring the use of agents under control and it reduced to 12.6%. Tighter control continued and in the first quarter of 2006-07 agents were used for only 6.4% of magistrates' courts' sessions, ranking Cumbria fourth out of the 42 CPS Areas. However, usage has since increased due to the sickness absence of the Area's own staff and in order to backfill for staff acting as HCAs. Spend to the end of August amounted to £21,239, with an estimated year end outturn of £50,974, well above the budget for the year of £12,362.

- 12.10 However, the true position is masked to some extent by a relatively high usage of magistrates' courts' solicitor and counsel agents' fees charged to the prosecution budget, an issue that was raised by the 2004 inspection. In 2004-05 agents fees of nearly £110,000 were charged to the prosecution budget, although this reduced to £54,000 in 2005-06. A system is now in place whereby any agents to be charged to the prosecution budget need to be authorised by the DCP, although the application of criteria for using counsel agents varies across offices. The Area should re-issue guidance and ensure it is applied consistently. Spend to the end of August was £10,658 with an estimated end-of-year outturn of £25,580. No budget has been allocated for this expenditure within the prosecution budget.
- 12.11 Senior managers were not all aware of performance in relation to the prosecution budget and the Area should incorporate this within its management budget reports. Some aspects of the prosecution budget have started to be tackled, with a view to managing this more effectively, for instance recent steps to better control travelling costs of counsel. However, it is acknowledged that there is more work to do, in particular on the negotiating and setting of fees, including training for caseworkers.
- 12.12 While there has been steady improvement in the percentage of fees paid within four months of the court hearing, performance in relation to fees paid within one month has been more mixed and in the last quarter for which data is available, performance was poor.
- 12.13 Responsibility for handling graduated fees scheme payments has sensibly been passed from caseworkers to administrative staff, in an attempt to ensure they are paid more promptly. There are currently two nominated fees clerks, one in the north and one in the south of the county, each assisted by another member of administrative staff. However, this provides little resilience and staff absence in relatively small offices can adversely impact on performance. Good performance has also been hindered by time spent in dealing with the backlog of fees inherited from the previous arrangements. It will be important for the remaining backlog to be cleared quickly in order to allow staff to focus on current work.

ASPECTS FOR IMPROVEMENT

The Area needs to take further action to better manage the prosecution budget and improve the timeliness of graduated fees scheme payments.

Staff deployment

- 12.14 At the time of the OPA the Area was undergoing re-structuring, which has since been completed. This has entailed moving to a divisionally-based structure in which a Divisional Crown Prosecutor is based in each of the four main offices. Re-structuring was designed to provide a more appropriate management structure and, at the same time, allow more highly graded staff to perform duties of the right level and cut down on travelling time and costs of staff managing more than one office. While these objectives have been largely met, continued high levels of sickness absence mitigate against some gains made.

- 12.15 The accuracy of Activity Based Costing staff profiling has been improved and there is more regular planning and review of staff structures and numbers, with action taken as a result. To keep costs within budget and ensure a more appropriate allocation of staff across offices, senior managers have needed to take some difficult and unpopular decisions. This has included those not to replace staff and recently the transfer of one lawyer from Kendal to Barrow and another from Carlisle to Workington, a move strongly opposed by staff. While the latter exercise has not yet resulted in a successful outcome, it demonstrates senior managers' determination to make the best use of resources.
- 12.16 The last inspection expressed concerns about the structure in the south of the county which contains a Committal Unit comprising solely caseworkers. This was also raised by CPS Headquarters Business Improvement Division (BID) which assisted in the re-structuring process. Recently a decision was reached to disband this unit and to deploy caseworkers in the main Kendal and Barrow offices to ensure lawyers are more easily able to have the necessary input into Crown Court work, and that lawyers and caseworkers work closely together. While this decision is generally proving unpopular with caseworkers, it was welcomed by the lawyers. The changed arrangements will also allow all managers to be based in the same location as their staff and, for administrative staff, will ease the burden of covering two offices.
- 12.17 As increasing CMS usage is impacting on typist roles, the Area is seeking to extend these to incorporate other tasks commensurate with the grade. There is, though, still some resistance to the use of CMS by lawyers, which is impeding further progress.
- 12.18 Overall, while re-structuring and some re-allocation of staffing resources is helping to ensure better use and distribution of resources, with five (soon to be four) small offices it is difficult for the Area to achieve real economies of scale, and it is aware that further change needs to be considered.
- 12.19 There are clear expectations for lawyer deployment across the Area; they are expected to spend four days each week either in court or at a charging centre. Our previous inspection suggested performance in this respect is monitored formally, but this has still to be done. It is vital that the Area knows and monitors how staff are deployed, which will also aid staff profiling.

Designated caseworker deployment (as % of magistrates' courts' sessions)			Higher Court Advocate savings (per session)	
National target 2006-07	National performance Q2 2006-07	Area performance Q2 2006-07	National performance Q2 2006-07	Area performance Q2 2006-07
17.2%	12.6%	16.2%	£332	£306

- 12.20 In 2005-06, the Area's three designated caseworkers prosecuted 10.8% of magistrates' courts' sessions which, while in line with the England and Wales average of 10.7%, fell short of the Area's target of 12.2%. Following the implementation of extended powers earlier this year performance has improved significantly. In the first quarter of 2006-07, DCWs prosecuted 16.3% of magistrates' courts' sessions, the fourth best performance out of the 42 CPS Areas.

However, the Area is conscious that its target for the year of 21% is a challenging one. Although there is a viable business case for employing a fourth DCW, which would assist in meeting the target, Cumbria does not have the financial resources to do so until there is turnover at a lawyer level.

12.21 Although there was extensive use of Higher Court Advocates in 2004-05, performance fell significantly in 2005-06. The Area fell well short of its target of £49,000 savings, achieving only £19,000, about 3% of annual graduated fees scheme value. A key contributory factor to this performance was an embargo on HCA activity mid way through the year as the Area attempted to bring its expenditure on agents under control. However, performance has since improved significantly - by the end of the second quarter of 2006-07, 98 sessions had been undertaken, achieving savings of £28,225, well ahead of the total performance for 2005-06 when 71 sessions were undertaken with savings of £19,308.

Sickness absence (per employee per year)

National target 2006	National performance 2006	Area performance 2006
8 days	8.5 days	10.2 days

12.22 The Area is struggling to meet its sickness absence target and levels remain high. Cumbria continues to take advice from its HR Partner but, despite training for managers in absence management and a more robust approach to medical referrals (the number of which have already doubled in the current year), in the first quarter nearly 200 days were lost to sickness. This high level of absence is putting a strain on remaining staff and also on those providing cover for absence in other offices.

12.23 At the time of our inspection six staff were on long-term sickness absence, most of these for stress-related reasons. The staffing position at Workington was particularly acute, with four staff absent due to long-term sickness leave. The fact that complex casework is resourced at this office was adding to the difficulties faced and the potential for some re-allocation of work to relieve this situation should be urgently considered.

ASPECTS FOR IMPROVEMENT

The Area should improve its actions to manage its sickness absence better.

13 MANAGING PERFORMANCE TO IMPROVE

The Area has made very good progress since our OPA in establishing a robust performance management regime and a developing culture of performance improvement is apparent. There is scope for further development and refinement as the new systems and processes become embedded within the organisation, for instance in the provision of analyses and narrative to accompany performance reports. Performance is improving in some important aspects, such as financial management, HCA savings, DCW usage and CMS usage. The Area demonstrates clear commitment to managing performance jointly with CJS partners.

Accountability for performance

- 13.1 Responsibilities for operational effectiveness and quality assurance are defined in new job descriptions which support the revised organisational structure. Senior and middle managers we spoke to, without exception, were clear as to their roles in this respect.
- 13.2 Since December 2005, the Area has produced a comprehensive quarterly performance review pack that provides detailed performance data across 18 key aspects of performance including relevant Local Criminal Justice Board data. Performance against key targets is shown and much of the data is broken down by unit, with benchmarking against other Areas included in some aspects. The data pack is still relatively new and there is scope for some further development, in particular the incorporation of narrative to help focus attention on key issues to be addressed and any trends.
- 13.3 While overall Area performance in various aspects is considered at SMT, the main vehicle for detailed scrutiny of performance and improvement planning is quarterly performance reviews held between each DCP and the CCP, ABM and Performance and Resources Manager (PRM). These started in March 2006 and at the time of our inspection were becoming well established. Meetings are well minuted with action points recorded and more recently a rolling action log has been established. All participants were positive about how the new arrangements were serving to focus attention on performance improvement. While minutes are shared between DCPs, there is still scope for greater emphasis on identification and sharing of good practice across the county.
- 13.4 There is some consideration of performance at unit and team meetings, although this is less systematic and the level of feedback more variable. Effective review at unit and team level was hindered by the lack of an overall Area performance summary designed to give staff a clear and succinct update of key performance issues and messages.
- 13.5 There is evidence to demonstrate that managers at all levels take action to improve performance. At a corporate level, senior managers each have specific project responsibilities, for example, one DCP heads the Compass Local Implementation Team (LIT), which was reformed in December 2005 in response to poor CMS performance. Action has since been taken to improve usage, which is steadily increasing. Another manager is responsible for HCA development, where there has been a significant improvement in performance recently.

- 13.6 Historically there have been inconsistencies in operating systems and practices between offices and, in particular, between the north and the south of the county, exacerbated by differences in the way police and courts operate. While some action in the past was taken to develop more effective operational systems and practices, particularly in the south of the county, the appointment of Divisional Administration Managers (DAMs) earlier this year is now serving to assist the development of more effective and consistent systems across the county. The PRM holds monthly meetings with DAMs which focus on the development of effective and standardised systems and practices to underpin performance improvement. For example, standard desk-top instructions have recently been developed jointly by DAMs for most administrative roles, based on what has been judged to be good practice. These were being implemented at the time of our inspection.
- 13.7 Shortly after taking up post, the new CCP set clear objectives for senior managers. These have been incorporated within the new performance appraisal process and individual managers' performance against these is now reviewed quarterly.
- 13.8 Use of the performance appraisal system is improving, but it has still to secure the confidence of staff, or contribute fully to performance improvement. Historically there have been delays in the completion of Performance Appraisal Reports (PARs) and low completion rates, and the system has not been used to improve operational and personal performance. This was commented on in both our last inspection and OPA. Action has since been taken to finalise PARs in a timely manner and the majority of those for 2005-06 were completed in good time, by May 2006.
- 13.9 There have been some delays in agreeing individual objectives for staff this year as the new INVEST programme has been rolled-out. Managers attended performance management training in September 2006 and at the time of the inspection in October, generic team and individual objectives for staff had been finalised. While the Area has worked hard to get the performance appraisal system up-to-date it should be aware that many staff we spoke to lacked confidence in the system and questioned its value. For instance, in the 2006 staff survey conducted in April, only 16% of respondents considered they received regular and constructive feedback, far lower than the national average. Similar issues were raised in the more recent Investors in People (IIP) assessment.
- 13.10 A positive aspect of Cumbria's approach to performance improvement is its active seeking of good practice in other CPS Areas and willingness to learn from others. For example when improvements to the budgeting process were being made, the budget manager spent a day with Lancashire CPS to help identify how to improve systems.

STRENGTHS

Cumbria actively seeks examples of good practice in other CPS Areas and is willing to learn from others.

ASPECTS FOR IMPROVEMENT

The Area should continue to develop its quarterly performance review information pack.

The Area should take action to improve staff confidence in the performance appraisal process and ensure it becomes an integral part of the performance management system.

Joint performance with CJS partners

- 13.11 CPS managers are active participants in the various Area performance improvement fora. The CCP is chair of the Criminal Case Management Sub Group and a member of the Planning and Performance Sub Group. DCPs play an active role in the three Local Criminal Justice Board (LCJB) Area Delivery Groups, which are considered by them and other criminal justice partners to be working well in focusing attention on aspects of performance requiring attention.
- 13.12 Prosecution Team Performance Management (PTPM) meetings between the CPS and police are held six weekly in each of the three police divisions, with a PTPM report produced by the CPS provided to support discussions. However, the absence of clear narrative and explanations to assist in interpretation of the data is considered by some participants to have impeded progress. On occasions the data pack has not been received by all participants sufficiently in advance, which has added to difficulties. Not all meetings in the past have been properly minuted and there is scope for developing arrangements for sharing issues and good practice across divisions. There is also potential for broadening out the PTPM discussions to encompass wider aspects of joint performance. The Area has recently started to address some of these shortcomings and it should also consider if there is a need for training to ensure that all participants fully understand the data.
- 13.13 The CPS shares relevant data with partners, for example, details of racial incidents monitoring and outcomes of domestic violence cases to enable comparison and analysis, and it obtains appropriate performance information from other agencies. Action is taken subsequently if necessary, for example, the CPS had some concerns about the accuracy of reasons provided and has recently agreed with the courts that a copy of cracked and ineffective trial forms are provided to prosecutors in court to sign and returned to DAMs to review. Although only recently implemented, this is enabling the CPS to raise any concerns whilst issues are still fresh. The LCJB collates Area performance data and publishes regular reports showing progress against headline targets, an example of inter-agency working and demonstration of a clear Area-wide focus on performance.
- 13.14 There is evidence that the implementation of joint improvement strategies has resulted in improved performance. The Simple, Speedy, Summary Justice pilot (CJSSS) in west Cumbria is a good example of joint working leading to improvement in the effectiveness of court hearings and, although it is early days, some aspects of performance are looking very positive. For example, the percentage of cases adjourned at the first hearing has reduced from over 90% prior to the pilot to less than 10%.

- 13.15 As chair of the Criminal Case Management Sub Group, and in response to increasing ineffective trial rates towards the end of 2005-06, the CCP was pro-active in bringing together case progression officers from all the agencies and ensuring that magistrates' courts' case progression meetings were restarted across the Area. Although it is early days CPS staff, as well as representatives from other criminal justice agencies, considered these to be having a positive impact, and there is some evidence of sharing of good practice as a result. In 2005-06 ineffective trial performance in the magistrates' courts, at 17.3%, missed the Area target of 16.5%. However, more recently in July (15.8%) and August (13.7%) performance exceeded target. Case progression meetings have been established for the first time in the Crown Court and year-to-date performance to July, at 15.0%, was just better than target (16.5%).
- 13.16 The CCP has also played a key role in establishing a number of new protocols between agencies in support of performance improvement, including on changes to bail conditions (whereby ushers in courts now inform the Witness Care Unit of any changes), a Proceeds of Crime Act (POCA) protocol to clarify the roles and responsibilities of partners and a protocol between the police and CPS on discontinuance and the alteration of charges.
- 13.17 Overall, the CPS is working well with partners and contributing to the achievement of key headline targets. The Cumbria criminal justice area is performing very well in relation to Offences Brought to Justice, public confidence and persistent young offenders, aspects of performance in which targets are being consistently met. Performance in relation to cracked and ineffective trials, though more mixed, is more recently showing some signs of improvement, although there is some way to go to secure sustained performance. Although the Area missed its targets in relation to POCA in 2005-06, recent action to address performance in this aspect, including implementation of the protocol above, appears to be having a positive impact and performance at the time of our inspection was looking healthier.

ASPECTS FOR IMPROVEMENT

Further work should be done to develop the Prosecution Team Performance Management data pack, in particular the accompanying narrative and explanation to assist participants interpret the data.

Systems to share issues and good practice should be developed.

Performance information and analysis

- 13.18 The re-establishment of the Compass LIT has helped focus attention on CMS usage and the value and use of its reports, and training was provided for managers earlier in the year to assist them in utilising CMS more effectively. We found the Area to be making effective use of certain reports, for instance DAMs are reviewing CTL reports on a regular basis and the monthly stocktake report is being used effectively to check and update case records.

- 13.19 The Area has three Management Information System (MIS) licence holders and training by a licence holder from CPS Lancashire was undertaken in July 2006 to assist Cumbria's staff. Although some good use is being made of MIS, for example to identify adverse cases for review by DCPs and for PTPM purposes, there is still scope for greater use of MIS to assist managers who are not fully aware of the potential of the system.
- 13.20 Retraining of staff took place in 2004 to improve the accuracy of recording of the details that generate performance information, and the importance of accurate recording was made clear as part of the Area's change programme. However, there have since been some concerns about the accuracy of data and, in particular, the accuracy of finalisations. The deployment of DAMs earlier this year is serving to address quality assurance issues and since June 2006 they have conducted a monthly dip-sample of 20 files in each office. Results are fed back to individuals where necessary and, more generally, to administrative staff team meetings, along with issues arising from the stocktake. The Area needs to continue its work to quality assure data entry and improve the accuracy of performance information.
- 13.21 There is now some evidence of systematic and consistent feedback of performance information to staff, which had previously tended to be ad hoc. Some performance information is included in the staff newsletter and other information is fed back through unit and team meetings, although the extent of this varies across offices. Staff generally had a low level of awareness of overall Area performance in key aspects. Since July 2006, and linked to the quarterly performance review meetings held between the DCP, CCP and ABM, DCPs have started to summarise key performance and other issues raised in the review and circulate these to staff. While this is helpful, the information is not presented in the most user-friendly manner. A review of the performance information needs of the various staff groups is required, including considering an appropriate format that is succinct, user-friendly and gives an overview of both Area and team performance.

Casework Quality Assurance and improvement

- 13.22 At the time of the OPA, the operation of the Casework Quality Assurance (CQA) scheme had not been sustained throughout the Area. Some casework assessments were being made, but they related to a relatively small number of lawyers and did not include a sufficient proportion of Crown Court casework.
- 13.23 Since the latter half of 2005-06, the Area has worked hard to get CQA back up and running. Effective implementation of the scheme was one of seven objectives set for DCPs with effect from 1 December 2005. The compliance rate has since increased significantly from 7% in the first quarter of 2005-06 to 79% in the fourth quarter. In the first quarter of 2006-07 the compliance rate was 71%, equal to the England and Wales average.
- 13.24 We examined the completed CQA forms for April, May and June 2006. There was evidence of some inconsistencies of approach by assessors and some were more robust than others in identifying prosecutors' strengths and those aspects in which improvements were required. While DCPs said that issues that arise are fed back to staff, and those applicable to all lawyers through team meetings, lawyers in two of the four offices told us they did not recall receiving any feedback about file quality, either individually or collectively, and some did not appear to

know about the CQA scheme. One, for instance, appeared unaware that files were monitored by DCPs. While it is possible that links are not always made with the CQA scheme when feedback is given, there is clearly scope for improving staff understanding of the scheme and the regularity of feedback.

I3.25 When CQA was restarted, it was envisaged that trends and issues would be brought to the senior management team meetings for discussion. This has not happened in practice, but CQA performance is one of the aspects covered in the quarterly performance review meetings with DCPs. While these meetings provide an appropriate forum for discussion of CQA results, the Area is aware that it needs to develop its systems for sharing trends, issues and good practice. To assist in this process, since June 2006, a log of issues arising from CQA in each office has been collated and incorporated within the review data pack. This could potentially provide a useful communication tool for sharing with lawyers.

ASPECTS FOR IMPROVEMENT

Consistent feedback of issues arising from Casework Quality Assurance should be given to lawyers covering both where improvement is required and positive aspects, and consideration of Area-wide trends and issues.

14 LEADERSHIP

The new SMT has developed a clear vision for the immediate future which has been shared with staff and a good level of corporacy is now evident. Senior managers are visible and generally approachable. However, despite good efforts to improve internal communication, some messages about the future are not welcomed by all staff and plans for the longer-term future of the Area are yet to be developed, creating a high level of uncertainty. Within this context staff morale, while mixed, is generally low and action is needed to address this. Clear action has been taken to address some inappropriate behaviour within the Area and the approach to equality and diversity is developing, although there is scope for further improvement.

Vision and management

- 14.1 The new senior management team has developed a clear sense of direction for the immediate future that reflects the overall vision and strategy for the CPS and this is encapsulated in its Area Business Plan (ABP) for 2006-07. As part of this the Area has established its own vision and values which, together with the ABP, were developed at a planning event involving a range of staff and managers.
- 14.2 The ABP has been well communicated to staff. The CCP attended unit meetings in all four offices in June to present and discuss the Plan and priorities. Further structural re-organisation was envisaged to follow the proposed police merger with Lancashire, but at the time of the inspection, it was not clear whether this was going ahead and whether or not the Area would re-structure in the absence of a merger. As a result, while there was clarity about the short-term there was a high level of uncertainty about the future and plans for such had still to be developed.
- 14.3 At the time of the last inspection in 2004 the roles and responsibilities of senior managers were not clearly defined or working effectively. Overall, roles and responsibilities of senior and middle managers are now set out clearly in revised job descriptions and are understood by individual managers. There is scope for more clearly setting out accountabilities for specific development projects, broadly identified in the ABP, within individuals' job descriptions and objectives.
- 14.4 The last inspection found a lack of corporacy and new governance arrangements were being put in place at the time of the OPA. Since then there has been a change in leadership; the new management team is developing well and there is a good level of corporacy evident. The past rift between units in the north and south of the county over staffing has, by and large, been overcome. Some transfer of staff to ensure fairer allocation of work has been mutually agreed and necessary changes promoted corporately by senior managers. Regular and structured SMT meetings support the new arrangements.
- 14.5 Action has been taken to improve communication within the organisation. Since earlier this year, the CCP has attended unit meetings on a regular basis, for example to discuss the staff survey results and more recently on the INVEST programme. Staff confirmed that senior managers are more visible than in the past and generally approachable. Many said they appreciated the more open and frank dialogue this allows, even if they do not always agree with the direction being taken and decisions made.

- 14.6 Since the new SMT was formed there has been a concerted effort to ensure that both unit and individual team meetings are held more regularly, generally on a monthly basis. On the whole monthly meetings are now taking place. However, with relatively small offices and a high level of sickness absence it is not always possible for all staff to attend and sufficient notice is not always given, which can make planning attendance difficult. Some said that unit meetings can tend to focus on legal issues and the Area should consider the potential for separating out issues of general applicability and those focused on legal staff. Clear and succinct notes should be produced to ensure those unable to attend can quickly catch up with issues covered.
- 14.7 A staff newsletter has been introduced across Cumbria based on earlier practice in the south of the county. While staff confirmed that it contains useful information, many indicated that they can feel swamped by the amount of information and do not always have time to read all the relevant material. They therefore tend to focus on what is relevant to their roles. Clearer indexing specifying who should read what sections would help. It should not be assumed that all information contained in the newsletter, in particular that of a more corporate nature, is read and senior managers should ensure that key issues are followed up at unit and team meetings.
- 14.8 Despite these good efforts, it is clear from the staff survey in April and the more recent poor liP assessment that there are low levels of staff morale. Staff expressed significant concerns about communication and a low level of confidence in managers. It was difficult for inspectors to assess whether staff views were a genuine reflection of the quality of communication, or whether they reflected a lack of acceptance about the messages being conveyed and the general uncertainty about the future. There continues to be a great deal of change in the Area and the new SMT have needed to communicate some hard messages, for instance in relation to the DPP's future vision for the CPS and on resource and staffing levels and organisation. Some of these messages about how the future will look are not welcomed by all staff and we found staff morale, while mixed, to be generally low.

RECOMMENDATION

The Area should take action to address issues raised in the staff survey and Investor in People assessment through the immediate implementation of its newly developed People Plan. As part of this, it should re-invigorate the People's Group to restore confidence in the Group and to ensure it plays an appropriate role in taking forward developments.

- 14.9 The Area responded constructively to the poor 2006 staff survey results by running a workshop, attended by a selection of staff, to develop a plan addressing the key issues, although progress against this has yet to be reviewed. Following a disappointing Investor in People (liP) assessment in August 2006, it decided to combine the staff survey action plan with work to respond to the assessment as many issues overlapped. The new People Plan was being finalised at the time of our inspection. It will be vital for the Area that this plan is implemented without delay.

- 14.10 As part of the earlier change programme a People's Group was established in 2005 to provide a mechanism for staff to input into developments. However, in practice it has only met three times and staff generally had a low level of confidence in the Group. The Area is planning to use the People's Group to assist in taking forward the new People Plan. However, it needs to be aware that work is needed to restore confidence in this Group if it is to play the role envisaged.
- 14.11 The Area has been pro-active in developing the relationship and dialogue with its Whitley Council. In October it held a development day between the SMT and Whitley Council which was facilitated by an ACAS representative. This proved helpful in clarifying the constitution and respective roles and responsibilities and should provide a sound basis for constructive engagement in the future.
- 14.12 Senior managers take an open and constructive approach when working with criminal justice colleagues, although some take a more pro-active role than others. For instance, the CCP is chair of the Cumbria Criminal Justice Board (CCJB) Criminal Case Management Sub Group and in this capacity has been the driving force in getting case progression meetings up and running in all parts of the Area, including with the Crown Court. The CCP is also the Senior Responsible Officer for the Simple Speedy Summary Justice (CJSSS) pilot taking place in the Area, while one of the DCPs is chair of the No Witness No Justice project board responsible for overseeing the recent roll-out of the Witness Care Unit to cover the whole county. The CPS is represented on all the relevant CCJB fora and criminal justice partners generally view the CPS as committed to partnership working, with work of mutual benefit being undertaken.

Ethics, behaviours and the approach to equality and diversity

- 14.13 While some good performance by staff is acknowledged by senior managers through the Area newsletter and on an individual and team basis, it is apparent that many staff do not feel valued and consider good performance is not recognised. Only 4% of respondents to the 2006 staff survey considered there to be an effective system of recognising people who perform effectively, compared with 26% nationally and down from 26% in 2004. At the same time just 10% considered that the CPS values its staff, compared to 26% nationally and down from 30% in 2004. Similar issues were raised in the more recent IIP assessment.
- 14.14 The general sense of being under-valued expressed by staff is difficult to separate from general low levels of morale. At the time of our OPA a formal reward and recognition scheme was being developed. This is taking a long time to finalise and staff were not clear as to what was happening in respect of the scheme.
- 14.15 There have been some informal complaints about the treatment of staff by managers and vice versa. A greater focus on performance management and increased management supervision of staff, have led to some tensions between managers and staff, which have contributed to this.

- 14.16 The Area responded constructively in re-circulating the *Dignity at Work* booklet early in 2006 and ensuring that this was highlighted in team meetings. There is good evidence that the CCP in particular has taken action to address inappropriate behaviour and 'respect and dignity' is also included as one of the new values of the organisation. Managers and staff were found to be aware of Dignity at Work principles and told us that they generally treat each other with respect. It will be important for the Area to keep this aspect under review.
- 14.17 The OPA, conducted in 2005, found equality and diversity issues not to be formally integrated within the ABP. Steps have been taken to address this criticism in the current plan, in which 'diversity' is included as a core value of the organisation. However, actions and targets do not all add up to the objectives set, for instance there are no specific actions or targets in relation to embedding Dignity at Work, and while equality and diversity is addressed as part of the Area's plans to strengthen the prosecution of hate crimes, there is scope for greater incorporation within the priority area of championing justice and the rights of victims. Incorporation of reference to the Area's Race Equality Scheme (RES) and Workforce Representation Plan would also be appropriate.
- 14.18 The Area has a local RES which summarises broad actions in relation to hate crime prosecution policy and community engagement and some workforce representation actions. However, managers and staff were not familiar with the scheme and their role within it and there is as yet no system in place for reviewing and reporting on progress against it.
- 14.19 The composition of the Area's workforce does not reflect that of the local community served. The proportion of women employed is higher than that of the local working population (64.6% compared with 47.2% in March 2005) and the Area employs no black and minority ethnic (BME) staff, compared with a local BME proportion of the working population of 2%. The proportion of disabled staff employed at 5.1% is lower than the estimated proportion of disabled people in the local working population, although this is slightly higher than the CPS average (4.2%).
- 14.20 The Area is aware that it needs to develop the diversity of its workforce, although with small numbers and low turnover opportunities are quite limited. As part of a national workforce representation themed review, the Area developed an action plan to develop the diversity of its workforce. This was assessed by the CPS's Equality and Diversity Unit (EDU) as requiring further development which has since been done. At the time of our inspection the plan had yet to be communicated.
- 14.21 There has been one complaint made under the equality and diversity complaint procedure since April 2005. The Area has taken and acted on advice from CPS Headquarters throughout and progress was being made towards its resolution.

ASPECTS FOR IMPROVEMENT

The Area should address its Internal communication of the Workforce Representation Plan and Race Equality Scheme, including clarification of roles and responsibilities. Reviews of progress against these should be incorporated within the Business Plan review process.

15 SECURING COMMUNITY CONFIDENCE

Public confidence in the Cumbria criminal justice area is among the highest levels nationally. Community confidence is a priority in the Area Business Plan and community activities are now based more on consultation with communities, rather than simply providing information to them. Nevertheless, engagement is generally with groups more easily targeted and less senior staff are not as much involved. Community activity is logged, but there is no procedure for monitoring the impact of community engagement.

Engagement with the community

- 15.1 Senior managers are heavily involved in community engagement activity and community confidence is identified as a priority in the ABP. The CCP is a member of the Cumbria Race and Diversity Partnership (RDP) and the Domestic Violence Project. One of the DCPs liaises directly with the county's Equality Officer. Lead responsibility for community engagement is shared by two managers.
- 15.2 Community engagement in the past has tended to involve provision of information about the work of the CPS to the more easily accessible groups. More recently, there has been a greater involvement in terms of participation and consultation with more challenging community organisations
- 15.3 The Area, however, does not address the issue of measuring the impact of community engagement nor set out any success criteria. Whereas it is clear that the Area has increased its commitment to and the extent of its engagement with the community, its future approach and strategy needs to be directed and developed by information about the benefits to CPSC Cumbria and community of its activities.

RECOMMENDATION

The Area should establish a system for measuring the success of its community engagement activity.

Minority ethnic communities

- 15.4 Cumbria has a low black and minority ethnic (BME) population. There has been little evidence in the past of direct engagement by the CPS with BME groups and others which might be considered to be at the greatest risk of exclusion and discrimination.
- 15.5 However, a recent survey on attitudes to diversity within Cumbria highlighted concerns that led to the Cumbria Criminal Justice Board producing guidance about religions and cultures for use by the criminal justice agencies. The RDP held a recent event to obtain the views of BME groups and this will be followed up by a joint action plan to address the emerging issues.

ASPECTS FOR IMPROVEMENT

The Area should make efforts to improve its links with those community groups at the greatest risk of exclusion and discrimination.

Complaints

- 15.6 A new system of dealing with complaints was implemented in early 2006 with detailed guidance issued to all staff. There was a general awareness of the scheme, apart from among administrative staff in one office. There are individual complaints logs for each level of complaint and these appear to have been diligently completed. The quality of the responses was generally very good and there was evidence that lessons are being learnt.

Public confidence in the CJS

Public confidence in effectiveness of criminal justice agencies in bringing offenders to justice (British Crime Survey)

CJS Area Baseline 2002-03	Most recent CJS Area figures in 2006-07
48%	49%

- 15.7 Community confidence is a priority in the ABP with specific aims around hate crime, anti-social behaviour, prolific offending and asset recovery.
- 15.8 Public confidence in the CJS in Cumbria is among the highest in the country, although the current level of 49% represents a slight dip from the rate at the end of March 2006 (51%) against a target of 52%.
- 15.9 The Area has recently appointed a communications and media officer, based in the Secretariat, who considers and this has led to improvements in relations with the media. The community engagement log shows a number of media engagements, including press and radio interviews.
- 15.10 Prosecutors described good relations with the reporters from the local papers at court and are happy to provide them with appropriate information on cases when approached.

ANNEX A: AREA EFFECTIVENESS INSPECTION FRAMEWORK

Standards and Criteria

1 Pre-charge advice and decisions

Standard: *Pre-charge advice and decisions are of high quality; an effective pre-charge decision scheme has been fully implemented and resourced within the Area; and benefits are being realised.*

Criteria 1A: Pre-charge advice and decisions are of high quality, in accordance with the Director's Guidance, the Code, charging standards and policy guidelines.

Criteria 1B: Pre-charge decision-making operates effectively at police charging centres and is accurately documented and recorded.

Criteria 1C: The Area is realising the benefits of the charging scheme.

2 Case decision-making and handling to ensure successful outcomes in the magistrates' courts

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

Criteria 2A: Case decisions are of high quality and successful outcomes are increasing.

Criteria 2B: Cases progress at each court appearance.

Criteria 2C: The Area contributes effectively to reducing cracked and ineffective trials and increasing the proportion of effective trials.

Criteria 2D: The Area uses CMS to contribute to the effective management of cases.

3. Case decision-making and handling to ensure successful outcomes in the crown court

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

Criteria 3A: Case decisions are of high quality and successful outcomes are increasing.

Criteria 3B: Cases progress at each court appearance.

Criteria 3C: The Area contributes effectively to reducing cracked and ineffective trials, and increasing the proportion of effective trials.

Criteria 3D: The Area uses CMS to contribute to the effective management of cases.

4 Presenting and progressing cases at court

Standard: *Prosecution advocates ensure that every hearing is effective, and that cases are presented fairly, thoroughly and firmly, and defence cases are rigorously tested.*

Criteria 4A: Advocates are active at court in ensuring cases progress and hearings are effective.

Criteria 4B: The standard of advocacy is of high quality and in accordance with national standards.

5 Sensitive cases and hate crimes

Standard: *The Area makes high quality decisions and deals with specialised and sensitive cases, and hate crimes effectively.*

Criteria 5A: Area advice and decisions in specialised and sensitive cases, and hate crimes are of high quality, in accordance with the Code and policy guidance.

Criteria 5B: The Area identifies and manages sensitive cases effectively.

6 Disclosure

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

Criteria 6A: The Area's decision-making and handling of unused material complies with the prosecution's duties of disclosure.

7 Custody time limits

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

Criteria 7A: Custody time limits are adhered to in all relevant cases.

Criteria 7B: Area custody time limit systems comply with current CPS guidance and case law.

8 The service to victims and witnesses

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

Criteria 8A: The Area ensures timely and effective consideration and progression of victim and witness needs.

Criteria 8B: The Area, with its criminal justice partners, has implemented the "No Witness No Justice" scheme effectively.

9 Delivering change

Standard: *The Area plans effectively, and manages change, to ensure business is well delivered to meet CPS and CJS priorities.*

Criteria 9A: The Area has a clear sense of purpose supported by relevant plans.

Criteria 9B: A coherent and co-ordinated change management strategy exists.

Criteria 9C: Area staff have the skills, knowledge and competences to meet the business need.

10 Managing resources

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

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

Criteria 10B: All Area staff are deployed efficiently.

11 **Managing performance to improve**

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

Criteria 11A: Managers are held accountable for performance.

Criteria 11B: The Area is committed to managing performance jointly with CJS partners.

Criteria 11C: Performance management arrangements enable a complete assessment of Area performance, and information is accurate, timely, concise and user-friendly.

Criteria 11D: Internal systems for improving/raising the quality of casework are robust and founded on reliable and accurate analysis.

12 **Leadership**

Standard: *The behaviour and actions of senior managers promote and inspire CPS staff and CJS partners to achieve Area and national objectives.*

Criteria 12A: The management team communicates the vision, values and direction of the Area well.

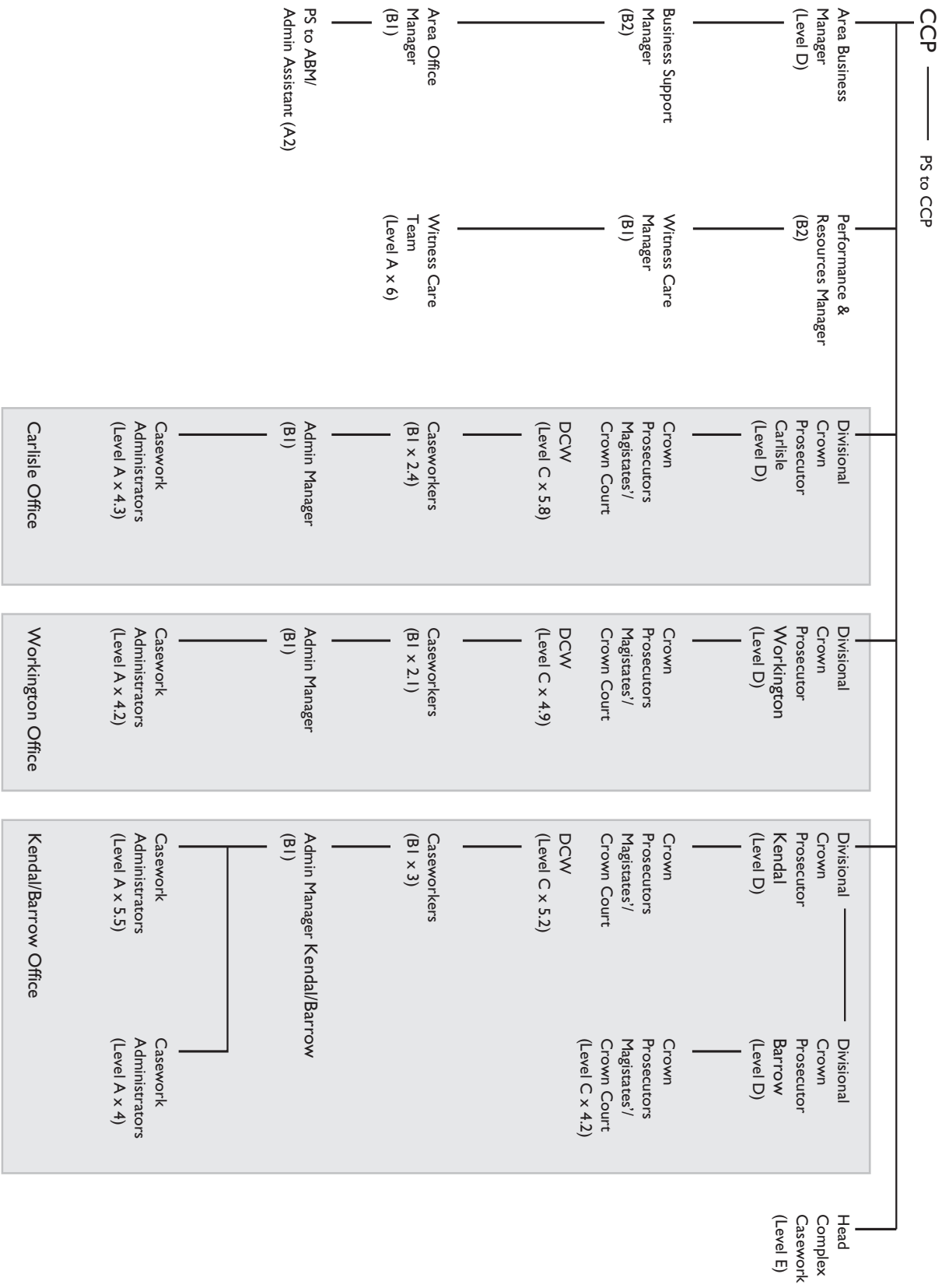
Criteria 12B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies.

13 **Securing community confidence**

Standard: *The CPS is engaging positively and effectively with the communities it serves, and public confidence in the criminal justice system is improving.*

Criteria 13A: The Area is working pro-actively to secure the confidence of the community.

ANNEX B: CPS CUMBRIA ORGANISATIONAL STRUCTURE



ANNEX C: CASEWORK PERFORMANCE DATA

Caseloads and outcomes	Cumbria		National	
	Number	Percentage	Number	Percentage
1. Magistrates' Courts - Types of case				
Pre-charge decision	6,742	31.7	538,222	32.0
Advice	6	0.0	3,721	0.2
Summary	9,873	46.3	707,620	42.1
Either way and indictable	4,656	21.9	428,603	25.5
Other proceedings	18	0.1	3,968	0.2
Total	30,154	100.0	1,682,134	100.0
2. Magistrates' Courts - Completed cases				
Discontinuances and bind overs	1,494	10.8	121,532	11.5
Warrants	119	0.8	33,296	3.1
Dismissed no case to answer	17	0.1	2,971	0.3
Acquittals after trial	194	1.4	18,901	1.8
Discharged	4	0.0	2,334	0.2
Total Unsuccessful Outcomes	1,828	13.1	179,034	16.9
Convictions	12,058	86.9	879,249	83.1
Total	13,886	100.0	1,058,283	100.0
Committed for Trial In the Crown Court			92,855	
3. Magistrates' Courts - Case results				
Guilty pleas	10,309	84.0	663,868	73.7
Proofs in absence	1,259	10.3	163,863	18.2
Convictions after trial	460	4.0	51,518	5.7
Acquittals after trial	194	1.6	18,901	2.1
Acquittals no case to answer	17	0.1	2,971	0.3
Total	12,269	100.0	901,121	100.0
4. Crown Court -Types of case				
Indictable only	223	23.0	35,016	28.4
Either way defence election	67	6.9	5,005	4.1
Either way magistrates' direction	403	41.7	48,178	39.1
Summary appeals; committals for sentence	275	28.4	34,971	28.4
Total	968	100.0	123,170	100.0
5. Crown Court - Completed cases				
Judge ordered acquittals and bind overs	61	8.6	12,422	13.5
Warrants	6	0.8	1,430	1.6
Judge directed acquittals	18	2.5	1,465	1.6
Acquittals after trial	62	8.7	5,838	6.4
Total unsuccessful outcomes	147	20.6	21,155	23.0
Convictions	565	79.4	70,775	77.0
Total	712	100.0	91,930	100.0
6. Crown Court – Case results				
Guilty pleas	506	78.3	58,872	75.4
Convictions after trial	59	9.1	11,903	15.2
Acquittals after trial	62	9.6	5,838	7.5
Judge directed acquittals	19	3.0	1,465	1.9
Total	646	100.0	78,078	100.0

ANNEX D: RESOURCES AND CASELOADS

Area Caseload/Staffing		
CPS Cumbria		
	October 2006	June 2004
Staff in post	72.7	65.8
Lawyers in post (excluding CCP)	24.12	23.6
Pre-charge decisions/advices per lawyer (excluding CCP)*	279.8	NA
DCWs in post	3	3
Magistrates' courts' cases per lawyer and DCW (excluding CCP)	512.0	487.6
Magistrates' courts' contested trials per lawyer (excluding CCP)	29.1	28.7
Committals for trial and "sent" cases per lawyer (excluding CCP)	28.7	37.8
Crown Court contested trials per lawyer (excluding CCP)	5.8	9.4
Level B1, B2, B3 caseworkers in post (excluding DCWs)	17.54	15.6
Committals for trial and "sent" cases per level B caseworker	39.5	74.5
Crown Court contested trials per level B caseworker	8.0	14.2
Level A1 and A2 staff in post	20.1	20.6
Cases per level A staff	723.7	629.7
Running costs (non-ring fenced)	£3,178,865	£2,056,160

NB: Caseload data represents an annual figure for each relevant member of staff

* Where the advice is that proceedings should be instituted, that case will also be included as a finalised case in the statistics relating to the magistrates' courts and the Crown Court as appropriate

ANNEX E: IMPLEMENTATION OF ASPECTS FOR IMPROVEMENT FROM OVERALL PERFORMANCE ASSESSMENT PUBLISHED DECEMBER 2005

Aspects for improvement	Position in October 2006
1 Structured arrangements for dealing with inappropriate requests for advice and re-education of both lawyers and police was required.	Achieved. Joint training and improved supervisory arrangements by the police ensures that only appropriate cases are referred.
2 Work to assess workloads at each charging site and to assess the viability of alternatives to face-to-face charging remained to be done.	Substantial progress. A pilot of reduced cover at charging centres has recently been assessed and arrangements reviewed. See paragraph 3.12 and footnote.
3 Liaison arrangements needed to be put in place with CPS Direct.	Achieved. DCPs and the CPS Direct manager lawyer have regular contact.
4 The Area was making limited use of data regarding volume and outcomes of PCD cases and few MG3s were being input at charging centres due to technical constraints.	Substantial progress. Monthly data is produced and analysed with CJS partners. Lawyers record all charging decisions on CMS.
5 There are no formal arrangements for assessing performance regarding quality, appropriateness and timeliness of PCD. CQA was not fully operational in the Area and monitoring was insufficient.	Achieved. DCPs now monitor MG3s by dip-sampling and recording the results. CQA is now fully operational, although there are some issues over a consistent approach by assessors.
6 Inadequate mechanisms included in the shadow charging protocol for monitoring quality of advice in NFA cases.	Achieved. DCPs dip-sample NFAs for the quality of the decision. The police carry out a similar qualitative check to ensure referrals are appropriate and decisions correct.
7 Little evidence of data and performance information being analysed to identify trends and improve performance in PCD cases.	See 4 above.
8 Poor discontinuance rate for PCD cases at 14.1% though better than national performance.	Limited progress. The rate has fluctuated throughout 2005-06. The current rate in the magistrates' courts is 13.9%, but better than the national average.
9 Poor quality and timeliness of upgraded files from police was hampering ability to review and prepare cases in the magistrates' courts in good time. CPS was working with police to secure improvements.	Limited progress. Timeliness of police files still gives rise to delay. The CJSSS pilot in the west of the county has seen improvements.

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| 10 | CQA scheme was not implemented or sustained throughout the Area. | Since the latter half of 2005-06, the Area has worked hard to get CQA back up and running and compliance with the scheme has increased significantly. Consistent feedback of issues to lawyers and sharing of Area-wide trends and issues remain an aspect for improvement. |
| 11 | Arrangements for case progression with CJS partners were inconsistent across the Area. It is too early to judge if the use of certificates of readiness in magistrates' courts had improved performance. | Achieved. Arrangements for case progression meetings have been pushed forward in the magistrates' courts. There are fortnightly meetings in which forthcoming trials are reviewed and the previous month's cracked and ineffective trials are discussed. |
| 12 | The Area was involved in the CCJB group considering how to reduce the cracked trial rate which was higher than the national average. | Limited progress. The cracked trial rate is still above the national average. The data and reasons are discussed internally and with the CJS partners through the CCJB. |
| 13 | The Area relied on the CCJB for magistrates' courts' cracked and ineffective trial data and most of the analysis of the data was carried out by a CCJB sub group. | Substantial progress. The Area carries out its own analysis and considers the data in PTPM and case progression meetings. |
| 14 | CMS usage for full file reviews was one of the lowest in the country. The Area was reviewing its prosecution processes which would increase its use of CMS. | Substantial progress. The rate of full file reviews on CMS and usage in general has increased. |
| 15 | There was a need for Area managers to make greater use of CMS, particularly to use task lists to improve timeliness. | Training was provided for managers earlier in the year to assist them utilise Compass more effectively. We found the Area to be making effective use of certain reports, for instance DAMs are reviewing CTL reports on a regular basis, and the monthly stocktake report is being used effectively to check and update case records. |
| 16 | The use of MIS reports needed to be extended and template set up to assist in dealing with issues faced by the Area. | Training by a MIS licence holder from CPS Lancashire was undertaken in July to assist Cumbria staff. Although some good use is being made of MIS, for example to identify adverse cases for review by DCPs and for PTPM purposes, there is still scope for greater use of MIS to assist managers who are not fully aware of the potential of the system. This is identified as an aspect for improvement. |

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| 17 | The Area was reviewing the use of caseworkers as CPOs and it was felt the Area needed to establish robust and reliable case progression arrangements in Crown Court cases. | Earlier this year case progression meetings were restarted with magistrates' courts across the Area, with DAMs acting as CPOs, and these were being held regularly. Although it is early days CPS staff, as well as representatives from other criminal justice agencies, considered these to be having a positive impact, and there is some evidence of sharing of good practice as a result. Regular case progression meetings have been established for the first time in the Crown Court. |
| 18 | More structured arrangements were required for allocating work to counsel. | Limited progress. Arrangements are made more problematic by the fact that the nearest chambers are in Liverpool and Manchester which restricts the pool of available counsel. |
| 19 | Cracked and ineffective trial data needed to be analysed to ascertain trends or underlying causes so as to improve performance. | Achieved. Data is considered within the SMT and included within the Area quarterly performance reviews. It is also discussed with CJS partners through the CCJB Planning and Performance Groups. |
| 20 | The CCJB performance officer provided a quarterly statistical analysis, but there was little evidence of arrangements for scrutiny of individual cases or actions to prevent recurrence. | Limited progress. The system for learning lessons from casework needs to be more structured and is the subject of a recommendation. |
| 21 | Performance information was not disseminated to staff in a consistent or uniform way. This is to be addressed through the role of the proposed Performance and Resources Manager. | There has been limited systematic and consistent feedback of performance information to staff, having tended to be more ad hoc. Although there have been some recent developments the Area needs to review the performance information needs of the various staff groups and consider an appropriate format, ensuring it is a succinct, user-friendly overview of both Area and team performance. |
| 22 | There is a need to create a culture whereby use of CMS is the norm for all administrative and casework functions particularly those carried out by lawyers. | Substantial progress. There is greater use of CMS for Crown Court functions, including case preparation, though the numbers of indictments drafted on CMS could improve. Administrative tasks and functions are generally recorded on CMS. |
| 23 | IT links need to be put in place to allow completion of the MG3 online and then transferred to the CMS file. | Achieved. MG3s are completed by lawyers on CMS at point of charge. |

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| 24 | Structured systems need to be put in place to ensure that staff manage their own tasks on CMS uniformly across the Area. | Achieved. See 22 above. |
| 25 | There was little evidence of promulgation of lessons learned from analysis of discontinued cases, which was important if there was to be an effective realisation of the benefits of PCD. | DCPs consider all PCD cases in which discontinuance is proposed and are themselves aware of the issues. The system of learning lessons from casework in general is the subject of a recommendation. |
| 26 | Nationally produced benefits realisation data needs to be supplemented by more detailed analysis supported by locally generated CPS performance data. | See 16 above. |
| 27 | Analysis of unsuccessful outcomes with CJS partners needs to identify trends and causes. Action taken regarding the quality of police files had not been assessed in terms of its impact on improved performance. | Substantial progress. Unsuccessful outcomes are discussed in several fora and individual cases are analysed in detail in PTPM meetings. |
| 28 | Monthly reports on racially aggravated crime do not analyse issues arising from the handling of cases, though the Area feels there are insufficient numbers to be able to identify trends. | Limited progress. In addition to the routine monitoring, DCPs consider all race hate crimes in which it is proposed to reduce the level of charge or remove the race element from the offence. This provides some limited information, but see 29 below. |
| 29 | The limited operation the CQA scheme meant the Area had only limited scope to assure itself that sensitive cases were being handled properly. | No progress. Although the CQA scheme is fully operational, the information relating to sensitive cases is still limited. This is identified as an aspect for improvement in this report. |
| 30 | The comprehensive CTL written system has not been formally implemented in the Area. | Substantial progress. The system has again been revised as a result of looking at other CPS Area's systems to improve. There are some issues over staff awareness and consistency in respect of compliance. This forms the subject of a recommendation. |
| 31 | Training in the new CTL system had not taken place. | See 30 above. The system has been further revised since the OPA. However, training was not due to take place until some six months after the implementation of the system. |
| 32 | There were no local agreements with the courts regarding the agreement of expiry dates in court or the courts' involvement in monitoring. Some lawyers were calculating expiry dates in court but it was not a widespread practice. | No progress. It is still not practice to agree the CTL in court. However, the culture within the courts is that they do not have any role to play in monitoring CTLs. |

33	There was little evidence that senior managers were involved in the effective functioning of the Area CTL system.	No progress. Although DAMs carry out quarterly audits of CTLs, other managers have no direct role in monitoring.
34	The approach to monitoring CTLs was less consistent in Crown Court cases with a number of examples of poor practice.	Achieved. Although there are some inconsistencies in the approach to operation of CTL systems, they apply to Crown Court and magistrates' courts' monitoring.
35	Arrangements for formally assessing the performance of prosecutors in relation to disclosure needed to be strengthened as reliance on the CQA scheme was inadequate.	Although there are still no formal dedicated systems for monitoring disclosure performance, the full operation of the CQA system is providing better information to supplement managers' knowledge of performance from case handling.
36	The roll-out of the WCU service to all parts of the Area was in difficulties due to staffing and IT problems.	Limited progress. The WCU has rolled-out fully within the Area, although it is not meeting minimum standards. See paragraph 10.18.
37	Performance in relation to the volume and timeliness of DCV letters was an issue which was not regularly considered by the SMT.	Substantial progress. The numbers of letters being sent to victims in appropriate cases has increased and timeliness is also improving.
38	There was no formal system for monitoring to ensure that appropriate applications for Special Measures are made and whether they are timely. Some applications were out-of-time.	Limited progress. The Area still has no formal monitoring system, but applications are made in appropriate cases, although some are made out-of-time.
39	The Area had no formal system to ensure that all prosecution advocates and CPS staff undertake their responsibilities in respect of victims and witnesses at court.	No longer applicable. There is still no formal system specific to this aspect. However, victim and witness support organisations are positive in their praise for Area staff in this respect.
40	The relatively high cracked trial rate had not been addressed.	See 19 above.
41	The Area does not undertake any monitoring of in-house prosecutors and relies on feedback from other agencies for information on staff performance.	Limited progress. However, in-house prosecutors are experienced and CJS partners have commented positively on performance. Prosecutors are monitored annually for performance appraisal purposes.
42	Agents are not provided with training and the agents' instruction pack was in need of substantial revision.	Limited progress. This is subject of a specific recommendation, although an updated instruction pack was circulated to agents in June 2006.
43	The standard of court endorsements was monitored informally when lawyer managers prosecuted courts.	Although CQA does not provide data on file endorsements, the increased operation of the system gives managers a greater picture of performance.

- 44 There was no evidence that the recently introduced certificate of readiness in magistrates' courts' cases had led to reduction in effective, cracked or vacated trials. Substantial progress. The certificate of readiness is still used but the revitalised system of case progression meetings in the magistrates' courts and the Crown Court has had greater impact.
- 45 There was no monitoring of agents in the magistrates' courts and no regular monitoring of counsel in the Crown Court. No progress. These issues are the subject of specific recommendations in the report.
- 46 There were concerns that due to changes in the senior management structure, the Area Business Plan was not being regularly reviewed. Since July 2006, the Area Business Plan has been reviewed quarterly, the review forming part of SMT meetings. While this is a positive development there is scope for the review process to be refined further and this is identified as an aspect for improvement.
- 47 Delays in carrying out PARs meant that objectives in the Business Plan did not form part of individual job plans This year the Area has made good progress in getting up-to-date with performance appraisals and agreeing Forward Job Plans, and better links are now being made between Area and individual objectives. Developing staff confidence in the system is identified as an aspect for improvement.
- 48 Following the change in the management team, membership and governance arrangements for managing change needed to be re-examined. In particular, it was felt that the introduction of statutory charging should be centrally managed on a project management basis to ensure timely implementation. See paragraphs 11.11 to 11.17.
- 49 It was too early to assess fully the effectiveness of the change management arrangements as much planned change was in the early stages. The new Area organisational structure appeared to be working well in providing clearer and more focused governance and accountability arrangements and in supporting performance improvement. The new structure has also served to facilitate work to develop more consistent working practices across the Area, drawing on and sharing good practice. There would be value in undertaking a formal review of how it is working in practice.

- 50 The Area had not had training plans for two years and as staff did not have Forward Job Plans, it was unlikely that personal development needs would be met.
- Although the Area still does not have a detailed Training Plan for 2006-07, it has identified training priorities for the year that link with business needs. The appraisal process is now nearly up-to-date, and the majority of staff indicated that they have a personal development plan. In general legal staff were satisfied with training provided and key mandatory training had been undertaken. Many administrative staff expressed concerns that there were limited opportunities for development. Management training was identified as an aspect for improvement.
- 51 The Area believed it would be able to place more emphasis on a training strategy once new staffing structures were in place.
- The Area is in the process of developing a training strategy that had yet to be formally agreed and communicated.
- 52 The work done by the Area to address its staffing costs should allow it a greater opportunity to stay within its non-ring fenced budget in 2005-06.
- In 2005-06 the Area overspent by £85,000 representing 2.8% of budget. While this was an improvement on the position the previous year when it overspent by nearly 5.0%, it was a disappointing outcome. This is particularly so given the modest fees provided by Headquarters to cover some exceptional costs incurred by the Area.
- 53 Improvements in arrangements for financial management had not been addressed as the capacity in the Secretariat had not changed.
- The ABM continues to be the only person apart from the CCP experienced in financial management. The Area has still to consider formally developing the skills of other staff to provide contingency cover;
- Systems were not in place for recording committed expenditure.
- A committed expenditure system was put in place at the start of 2006-07 and is working well.
- 54 Prosecution budget spend in 2004-05 against budget was rated as poor. Prosecution costs are not regularly monitored or reported to the SMT.
- Prosecution budget spend in 2005-06 was rated as fair and although the Area has started to tackle some aspects of this budget further action is needed to better manage it. This was identified as an aspect for improvement. Not all senior managers were sufficiently aware of performance in relation to this budget which should be included in budget reports to the SMT.

- 55 Further work was needed to improve the timeliness of payment of graduated fees. Responsibility for handling GFS payments has sensibly been passed from caseworkers to administrative staff, in an attempt to ensure fees are paid more promptly. Although there has been some improvement in the proportion of fees paid within four months, performance in relation to fees paid within one month remains poor and action is needed to address this. This remains as aspect for improvement.
- 56 The poor use of resources represented by lawyers and DCWs attending the same court had not been fully addressed, though work was in hand with the magistrates' courts to change listing practices. Since the implementation of extended DCW powers earlier this year, the practice of lawyers and DCWs attending the same court has ceased.
- 57 While progress had been made on structures, staffing levels still needed to be addressed. The accuracy of ABC staff profiling has been improved and there is more regular planning and review of staff structures and numbers, with action taken as a result. To keep staffing within budget and ensure fairer allocation of staff across offices, senior managers have needed to take some difficult and unpopular decisions. This has included those not to replace staff and recently the transfer of one lawyer from Kendal to Barrow and another from Carlisle to Workington, a move strongly opposed by staff. While the latter exercise has not yet resulted in a successful outcome, it demonstrates senior managers' determination to make the best use of Area resources.
- 58 The Area was rated as poor in relation to staff sickness levels. Targets on sickness levels were to be set. The Area has adopted the national target for sickness absence. It is, however, struggling to meet this and sickness absence levels continue to be high. At the time of the inspection six staff were on long-term sickness absence. This remains an aspect for improvement.
- 59 A flexible working policy which would ensure practice met the needs of the business remained to be finalised. No longer applicable.

- 60 Arrangements had yet to be put in place to ensure managers were held accountable for performance. It remained to be determined the range of performance information which would be considered by the management teams.
- 61 Responsibilities for operational effectiveness and quality assurance had only recently taken effect so the success of this could not be judged.
- 62 Late completion of PARs for the previous two years meant that the system had not been used to improve personal performance.
- 63 Insufficient use is made of the CPS MIS to enable managers to analyse and have a clear understanding of Area performance.
- 64 There was limited implementation of the CQA system and assurance activity did not include a sufficient proportion of Crown Court casework.
- Quarterly performance reviews between each DCP and the CCP and ABM, which started in March 2006, are becoming well established and serve to hold managers to account for performance. Since December 2005, the Area has produced a comprehensive quarterly performance review pack that provides detailed aspects of performance and provides a sound basis for performance review. However, there is scope for development and refinement of the performance pack and this is identified as an aspect for improvement.
- Responsibilities for operational effectiveness and quality assurance are defined in new job descriptions which support the revised organisational structure. Senior and middle managers we spoke to, without exception, were clear as to their roles in this respect.
- The Area has made very good progress since our OPA in establishing a robust performance management regime and a developing culture of performance improvement is apparent. There is, though, scope for further development and refinement as new systems and processes become embedded in the organisation.
- This year the Area has made good progress in getting up-to-date with performance appraisals and agreeing Forward Job Plans, and better links are now being made between Area and individual objectives. However, many staff lack confidence in the system and work is needed to address this. This is identified as an aspect for improvement.
- Although some good use is being made of MIS, for example to identify adverse cases for review by DCPs and for PTPM purposes, there is still scope for greater use of MIS to assist managers who are not fully aware of the potential of the system. This is identified as an aspect for improvement.
- Since the latter half of 2005-06, the Area has worked hard to get CQA back up and running and compliance with the scheme has increased significantly. Consistent feedback of issues to lawyers and sharing of Area-wide trends and issues remain an aspect for improvement.

- 65 The SMT had not considered the outcomes of any quality assurance monitoring and the limited operation of the scheme meant the Area was unable to draw lessons from the results. SMT has not considered the outcomes of CQA. However, CQA performance is one of the aspects covered in the quarterly performance review meetings with DCPs. While these meetings provide an appropriate forum for discussion of CQA results, and a summary of CQA issues has been included in the data pack since 2006-07 quarter 1, the Area needs to develop its systems for sharing trends, issues and good practice. This is identified as an aspect for improvement.
- 66 Job descriptions for the new DCP posts set out responsibilities for the quality assurance of casework and performance. Achieved. CQA is generally embedded within the Area, though there remain some issues in respect of consistency of approach.
- 67 Although work had been done to improve corporacy, the composition of the senior team had been altered and a number of planned changes still needed to be implemented. At the time of the assessment their effectiveness was still unknown. The new management team is developing well and there is a good level of corporacy evident. The past rift between units in the north and south of the county over staffing has by and large been overcome. Some transfer of staff to ensure fairer allocation of work has been mutually agreed and necessary changes promoted corporately by senior managers.
- 68 Best practice for meetings to ensure good communication in the Area had yet to be implemented. Since the new SMT was formed there has been a concerted effort to ensure that both unit and individual team meetings are held more regularly, generally on a monthly basis. On the whole monthly meetings are now taking place. However, with relatively small offices and a high level of sickness absence it is not always possible for all staff to attend these.
- 69 Though managers follow equality and diversity policies, equality and diversity was not formally integrated into the business plan. Steps have been taken to address this criticism in the current plan in which 'diversity' is included as a core value of the organisation. However, there is still scope for further improvement in this respect.
- 70 Involvement in community confidence activity was largely restricted to senior managers and was yet to become part of the core business of the Area. Involvement with the crime and reduction partnerships largely took place through the CCJB. Substantial progress. The Area has extended its outlook in terms of increasing its community activity, widening the groups with which it engages and moving away from providing information about the CPS to greater consultation with the community. Activity is still restricted, however, to senior managers.
- 71 The Area needed to ensure that following changes to structure and staff responsibilities, greater attention was given to securing community confidence. See 70 above. The degree of public confidence in the Area is highest in the country.

- 72 The Area had yet to develop a community engagement strategy or keep formal records of its engagement activity and could not demonstrate service changes or improvements that had arisen from engagement activity.
- Limited progress. The Area does have a strategy for community engagement and records details of activity. It does not yet have any means of measuring the impact of its community engagement. This is the subject of a recommendation in this report.

N.B Some aspects have been merged where they deal with linked aspects of performance

ANNEX F: TOTAL NUMBER OF FILES EXAMINED FOR CPS CUMBRIA

	Number of files examined
Magistrates' courts' cases:	
Pre-charge advice/decision	–
No case to answer	2
Trials	26
Youth trials	6
Discontinued cases	23
Discharged committals	–
Race crime	5
Domestic violence cases	4
Fatal road traffic offences	1
Cases subject to custody time limits	5
Sub total	78
Crown Court cases:	
Discontinued (sent cases dropped before service of case)	–
Judge ordered acquittals	16
Judge directed acquittals	6
Trials (acquittals and convictions)	19
Child abuse cases	5
Race crime	7
Homicide	–
Rape cases	–
Cases subject to custody time limits	5
	58
TOTAL	136

ANNEX G: LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

His Honour Judge Phillips
Her Honour Judge Forrester

Magistrates' Courts

District Judge Chalk
Mr R G Brown JP, Chair of South Lakeland
Magistrates' Court Committee
Mr M Little JP, Chair of Carlisle and District
Magistrates' Court Committee
Mrs S Metcalfe-Gibson JP, Chair of Eden
Magistrates' Court Committee
Mr M Little JP, Chair of Carlisle and District
Magistrates' Court Committee
Mrs G Howson JP, Chair Furness and District
Magistrates' Court Committee
Mrs F Hornsby JP, Whitehaven Magistrates'
Court
Mr C Johnston JP, West Allerdale and Keswick
Magistrates' Court

Her Majesty's Court Service

Mr S Evans, Area Director
Mr C Armstrong, Justices' Clerk
Mr T Jepson, Head of Legal Services West
Cumbria Magistrates' Court
Mr R Barker, Head of Legal Services South
Cumbria Magistrates' Court
Mr K McAll, Head of Legal Services North
Cumbria Magistrates' Court

Police

Superintendent E Thwaites
Acting Superintendent D Spiller
Chief Inspector A Dufty
Chief Inspector G Slater
Detective Inspector M Backhouse
Inspector J Ruddick
Chief Inspector R Quazi
Mr B Kirkbride, CJU Manager Carlisle
Mr S Tanner, CJU Manager Kendal

Defence Solicitors

Ms J Birbeck
Mr M Dodds
Mr A Gibson
Mr M Fisher
Mr S Marsh

Counsel

Ms H Manley
Mr C Stables

Witness Service and Victim Support

Mrs D Taylor, Co-ordinator

Local Crime and Disorder Reduction Partnerships

Ms L Kelly, West Cumbria
Ms J Draper, South Lakeland

Youth Offending Teams

Ms Y Lake

Community Groups

Mr J Rasbash, Equality Officer Cumbria County
Council

Members of Parliament

Mr T Cunningham MP
Mr J Hutton MP

ANNEX H: HMCPSI VISION, MISSION AND VALUES

Vision

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

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

Mission

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

Values

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

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

Taken together, these mean:

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

ANNEX I: GLOSSARY

Adverse Case

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

Agent

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

Area Business Manager (ABM)

Senior business manager responsible for finance, personnel, business planning and other operational matters.

Area Management Team (AMT)

The senior legal and non-legal managers of an Area.

Aspect for improvement

A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this).

Compass CMS

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

Caseworker

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

Charging Scheme

The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. Shadow charging arrangements were put in place in Areas; and the statutory scheme had a phased roll-out across priority Areas and subsequently all 42 Areas, the last being in April 2006.

Chief Crown Prosecutor (CCP)

One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to the Director of Public Prosecutions for the performance of the Area.

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest (see also "Threshold test").

Co-location

CPS and police staff working together in a single operational unit (*TU* or *CJU*), whether in CPS or police premises – one of the recommendations of the *Glidewell* report.

Committal

Procedure whereby a defendant in an *either way* case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates.

Court Session

There are two sessions each day in the magistrates' courts, morning and afternoon.

CPS Direct

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

Cracked trial

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

Criminal Case Management Framework

The Framework provides practitioners with a consistent guide to their own, and their partners' roles and responsibilities, together with operational guidance on case management.

Criminal Justice Unit (CJU)

Operational unit of the CPS that handles the preparation and presentation of magistrates' courts' prosecutions. The *Glidewell* report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU.)

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Designated caseworker (DCW)

A senior *caseworker* who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court. Their remit is being expanded.

Direct Communication with Victims (DCV)

The CPS writes directly to a victim of crime if a case is dropped or the charges reduced in all seriousness. In some instances a meeting will be offered to explain this.

Disclosure, *Initial and continuing*

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Initial disclosure is given where an item may undermine the prosecution case or assist the defence case. In the magistrates' courts

the defence may serve a defence statement and this must be done in the Crown Court. The prosecution has a continuing duty of disclosure in the light of this and developments in the trials. (Duties of primary and secondary disclosure apply to cases investigated before 4 April 2005.)

Discontinuance

The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court.

Early Administrative Hearing (EAH)

Under *Narey* procedures, one of the two classes into which all *summary* and *either way* cases are divided. EAHs are for cases where a not guilty plea is anticipated.

Early First Hearing (EFH)

Under *Narey* one of the two classes into which all *summary* and *either way* cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated.

Effective Trial Management Programme (ETMP)

This initiative, involving all criminal justice agencies working together, aims to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to the conclusion of a case.

Either way offences

Those triable in either the magistrates' court or the Crown Court, e.g. theft.

Evidential test

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

Glidewell

A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - *CJUs* and *TUs*.

Good practice

An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects a manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice.

Higher Court Advocate (HCA)

In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court.

Joint performance monitoring (JPM)

A management system which collects and analyses information about aspects of activity undertaken by the police and the CPS, aimed at securing improvements in performance. Now used more often generically to relate to wider aspects of performance involving two or more criminal justice agencies.

Indictable only offences

Offences triable only in the Crown Court, e.g. murder, rape, robbery.

Ineffective trial

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

Judge directed acquittal (JDA)

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

Judge ordered acquittal (JOA)

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

Level A, B, C, D, E staff

CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators).

Local Criminal Justice Board

The Chief Officers of police, probation, the courts, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of PSA targets.

MG6C, MG6D etc

Forms completed by police relating to unused material. MG is the national Manual of Guidance used by police and the CPS.

Narey courts, reviews etc

A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency.

Narrowing the Justice Gap (NTJG)

It is a Government Criminal Justice Public Service Agreement target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter, a fixed penalty notice, or a formal warning for possession of drugs. The difference between these offences and the overall number of recorded offences is known as the justice gap.

No Case to Answer (NCTA)

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

“No Witness no Justice” (NWNJ):Victim and Witness care project

This is a project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers (ACPO) and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units were introduced into all CPS Areas by December 2005.

Persistent young offender

A youth previously sentenced on at least three occasions.

Pre-trial review

A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues.

Proceeds of Crime Act 2002 (POCA)

This Act contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management

Joint analysis of performance by the CPS and police that has largely replaced the system of *JPM*.

Public Interest test

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

Public Service Agreement (PSA) targets

Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice, reducing ineffective trials and raising public confidence in the CJS.

Recommendation

This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority.

Review: initial, continuing, summary trial etc

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

Section 9 Criminal Justice Act 1967

A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking *indictable only* cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the *disclosure* of which may not be in the public interest.

Specified proceedings

Minor offences which are dealt with by the police and the magistrates' courts and do not require review or prosecution by the CPS, unless a not guilty plea is entered.

Strengths

Work undertaken properly to appropriate professional standards i.e. consistently good work.

Summary offences

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

Threshold test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the Threshold Test should be applied. There must be at least a reasonable suspicion that the suspect has committed an offence, and it is in the public interest to charge the suspect, to meet the test. A number of factors, including the likelihood and nature of further evidence to be obtained must be considered.

TQI

A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of *joint performance monitoring* (largely superseded by *PTPM*).

Trial Unit (TU)

Operational unit of the CPS which prepares cases for the Crown Court.



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