

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

REPORT 4/03

MAY 2003

CPS DERBYSHIRE



AREA OFFICE

Derby

MAGISTRATES' COURTS

Buxton

Chesterfield

Derby

Glossop

Ilkeston

CROWN COURTS

Derby

Nottingham

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PREFACE

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

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

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

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

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

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

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

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

1. INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Derbyshire (the Area), which serves the area covered by the Derbyshire Constabulary. It has one office, situated in Derby.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The North and South Criminal Justice Units (CJUs) are responsible for the conduct of all cases dealt with in the magistrates' courts. The Trial Unit (TU) reviews and handles cases dealt with in the Crown Court.
- 1.3 At the time of the current inspection in January 2003, the Area employed the equivalent of 94.4 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business manager (ABM) and the full-time equivalent of 12 other staff. Details of the staffing of the Units is set out below:

Grade	TU	Derbyshire North CJU	Derbyshire South CJU
Level E	1		
Level D	1	1	1
Level C lawyers	7.9	7.4	12.1
Level B2 caseworkers	1	1.8	2
Level B1 caseworkers	13.8	1	0.4
Level A caseworkers	7.6	8.6	12.8
TOTAL	32.3	19.8	28.3

A detailed breakdown of staffing and structure can be found at Annex 2.

- 1.4 The Area's caseload in the year to 30 September 2002 is set out below:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,026	4.9%	3.8%
Summary motoring	5,903	28.1%	36.8%
Other summary	3,944	18.8%	18.8%
Either way and indictable only	10,148	48.3%	40.0%
Other proceedings	0	0%	0.7%
TOTAL	21,021	100%	100%

In the corresponding period, the Area finalised 1,807 cases in the Crown Court.

- 1.5 The Area was inspected during the last cycle of inspections in June and July 2000, with a report being published in September 2000. Since then, the magistrates' courts caseload has remained roughly the same, but there has been an increase in the Crown Court caseload of 27.5% (an additional 390 cases in the year to 30 September 2002 compared with the year to 31 March 2000).

- 1.6 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3, and a table of caseload in relation to Area resources at Annex 4. CPS Derbyshire (in common with other CPS Areas) has benefited from a significant increase in its budget since the last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce the average numbers of cases dealt with per lawyer and caseworker.

Methodology and nature of the inspection

- 1.7 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers 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.
- 1.8 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Derbyshire also drew on findings from the previous inspection of the Area, a report of which was published in September 2000. That report made a total of 11 recommendations and seven suggestions, as well as identifying four aspects of good practice. We comment at the appropriate place in the text on the Area's progress in implementing the most important of these recommendations. All the recommendations and suggestions are set out in full in Annex 5, together with comment on progress. In keeping with the revised methodology for Area inspections, the number of recommendations in the present report has been reduced to those the Inspectorate considers to be of major importance to the performance of the Area.
- 1.9 As a result of this risk assessment, it was determined that the inspection of CPS Derbyshire should be a full one.
- 1.10 Our methodology combined examination of 188 cases finalised between 1 August and 31 October 2002, and 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 magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. 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.
- 1.11 Inspectors visited the Area between 13 and 17 January 2003. The lay inspector for this inspection was Mairi Briggeman, who was nominated by Victim Support. The role of the lay inspector is described in the preface. The lay inspector examined files that had been the subject of complaints from members of the public and also 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 some of the 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. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.12 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2. SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 The Area has made progress since the last inspection, and is particularly strong in its management of people, as evidenced by the positive results of the 2002 staff survey. Internal communications are good, and there is a commitment to training and evaluation. Staff have a high awareness of equality and diversity issues, and the Area has entered into a partnership with the Positive Action Training and Recruitment Agency. The Area management team is cohesive, and has worked hard to develop its performance management. It has devised a wide range of standards for casework, and produces and monitors performance information regularly. They now need to analyse this information more systematically, in order to drive up performance.
- 2.2 Relations with the other agencies are cordial, although they could be made more effective if the Area adopted a more targeted approach to exchange and analysis of information. This needs to be undertaken, in particular, in relation to the cracked and ineffective trials data from the magistrates' courts, joint performance monitoring with the police, and the inter-agency monitoring of persistent young offender (PYO) performance (which is variable).
- 2.3 The Area entered into negotiations and an agreement with the police, and restructured into functional units in anticipation of co-location, at an early stage. The plans have foundered, however, due to difficulties in accommodation and finance. The Area has moved towards some placing of individual lawyers in police stations - one lawyer is permanently based at one site, and there are plans for others to attend the three other charging police stations. This goes some way towards ensuring early initial review of cases, and to providing the police with a contact point for consultation and the provision of some pre-charge advice. But the CCP needs to seek a more cost-effective solution, possibly considering a broader range of options.
- 2.4 The Area has taken positive steps and initiatives to improve public confidence in the CPS, and in its treatment of victims and witnesses. More work needs to be undertaken, however, to agree a local protocol in relation to the special measures to assist young or vulnerable witnesses, and to ensure that the Witness Service is aware of the needs of all witnesses.
- 2.5 Generally, the quality of decision-making is sound, with the standard of advices in particular being good. There was evidence, however, of a failure to review cases effectively at an early stage, resulting in cases being allowed to drift. We found that this failure contributed to the lateness of discontinuances, some cracked and ineffective trials and adverse cases where CPS action could have avoided the outcome. Steps need to be taken to ensure that all cases are properly reviewed before the first date of hearing, and that they are continuously reviewed throughout their progress through the courts, and when they are passed from the CJUs to the TU.
- 2.6 Progress has been made in relation to some aspects of Crown Court casework. In particular, the quality of instructions to counsel has improved significantly, and timeliness of service of committal papers and delivery of briefs has increased. Much more work, however, needs to be undertaken in relation to disclosure in all three units (although the TU has made more progress since the last inspection).

Recommendations

- 2.7 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.
- 2.8 We have made seven recommendations to help improve the Area's performance:
1. Unit Heads ensure that all files receive timely and full initial review, and that reviews are fully recorded (paragraph 4.8).
 2. Unit Heads ensure that all files are kept under continuous review, particularly at the summary trial review stage, when cases are passed to the TU for preparation for committal for trial, and when legal decisions need to be made after committal (paragraph 4.20).
 3. Unit Heads ensure that lawyers:
 - * ask for proper descriptions, or copies, of unused material;
 - * properly undertake their duties of primary and secondary disclosure at the appropriate time and make appropriate records;
 - * properly undertake their duties of disclosure in relation to sensitive and third party material; and
 - * record all decisions (paragraph 4.26).
 4. The Area Management Team ensure staff receive training on the custody time limit (CTL) desktop instructions, and monitor its implementation, operation and effectiveness (paragraph 4.34).
 5. The Area Management Team should:
 - * increase its focus on the performance issues that support the delivery of the Public Service Agreement targets (for example, cracked and ineffective trial data, and unsuccessful outcomes etc.);
 - * ensure that any analysis of the performance data clearly identifies areas for improvement, and notes any remedial action that will be taken; and
 - * improve the identification of risk as part of the formal planning process, and its active management thereafter (paragraph 7.13).
 6. Area managers ensure that the data on PYO cases is fully analysed, and the progress of current PYO cases is monitored, in order to improve timeliness (paragraph 10.11).
 7. The CCP should drive forward the implementation of the Glidewell recommendations on co-location and joint working, adapted to facilitate the new charging initiative, considering a broader range of options (paragraph 13.9).

3. KEY PERFORMANCE RESULTS

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
MAGISTRATES' AND YOUTH COURT CASEWORK				
First Review				
Decisions to proceed at first review complying with evidential test in the Code for Crown Prosecutors ¹	-	*	*	96.5%
Decisions to proceed at first review complying with public interest test in the Code for Crown Prosecutors ¹		*		100%
Requests for additional evidence/information made appropriately ¹		*	-	81.8%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.7%	-	9.3%
Discontinued cases with timely discontinuances ¹	-	*	-	48.8%
Decisions to discontinue complying with the evidential test in the Code for Crown Prosecutors ¹	-	*	-	83.8%
Decisions to discontinue complying with the public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	*	-	78.6%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		*		50%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		*		94.1%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 37.5%	-	(Jul-Sep 02) 33.4%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	*	-	5 out of 11
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Jul-Sep 02) 30.9%	-	(Jul-Sep 02) 31.7%
Ineffective trials in sample that could have been avoided by CPS action				-
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.7%	-	2.2%
Decisions to proceed to trial complying with the evidential test in the Code for Crown Prosecutors ¹	-	*	-	95.8%
Decisions to proceed to summary trial complying with the public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Cases with timely summary trial review ¹	-	*	-	53.7%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	*	-	50%
Area self-assessment of cases dismissed on a submission of no case to answer attributable to CPS failure (% of finalisations) [% of cases dismissed no case to answer]		0.008% [0.07%]	0.004%	0.009% [8.3%]
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	*	-	83.3%

CPS PERFORMANCE	National Target 2002-2003	National Performance Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely committal review (including review of "sent" cases prior to service of prosecution case) ¹	-	*	-	84.6%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	*	-	89.7%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	*	-	100%
Requests for additional evidence/information made appropriately at committal review ¹	-	*	-	62.5%
Timely and correct continuing review after committal	-	*	-	100%
Cases with timely service of committal papers on defence	80%	86.6% ³	77%	73.3% ¹ 79.3% ²
Cases with timely delivery of instructions to counsel	84%	86.5% ³	82%	93.3% ¹ 87.6% ²
Instructions to counsel that were satisfactory ¹	-	*	84%	93.3%
Cracked and ineffective trials				
Cracked trials in file sample that could have been avoided by CPS action ¹	-	*	-	8 out of 10
Ineffective trials in file sample that could have been avoided by CPS action ¹	-	*	-	-
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		*		25%
Indictments that required amendment ¹		*		40%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		*		100%
Judge ordered and judge directed acquittals				
Area self-assessment of JOA/JDAs attributable to CPS failure (% of finalisations) [% of JOA and JDAs]	0.5%	0.3% [2.7%]	1.0%	0.5% [5.9%]
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	*	-	71.4%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	9.9%	-	5.8%

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

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

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

CPS PERFORMANCE	National Target 2002-2003	National Performance Apr-Sep 2002	Area Target 2002-2003	Area Performance Apr-Sep 2002
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		*		22%
Cases where secondary disclosure properly handled ¹		*		N/A
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		*		100%
Trials where appropriate use made of the witness care measures ¹		*		100%
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		*		66.7%
Cases where secondary disclosure properly handled ¹		*		16.7%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		*		40%
Trials where appropriate use made of the witness care measures ¹		*		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	*	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.7%	100%	100%
Handling of complaints				
Complaints replied to within 10 days ²	94%	90%	96%	100%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	91.5%	N/A	100%
IMPROVING PRODUCTIVITY				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	9.6 days (2001)	10.8 days (2001)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Lord Chancellor's Department and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	68 days	71 days	88 days (Jul-Sep 02)

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

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

Commentary

- 3.1 The percentage of decisions to proceed at first review complying with the evidential Code test (96.5%) is lower than that in the last inspection. As stated in the preface, the composition of the file sample has changed (in particular, this figure does not include straightforward guilty pleas) and so care needs to be taken in comparing the results. The percentage of decisions to proceed to summary trial that complied with the Code tests is similar, at 95.8%, although the figure for the decision at committal review is lower at 89.7%. Compliance with the Code public interest test at all stages, at 100%, is good.
- 3.2 The Area has a commendably low rate of discontinuance: 9.3% compared to the national average of 12.7%. Nevertheless, it could be still lower as we found that only 83.8% of discontinued cases complied with the evidential Code test. There was also a certain lack of robustness of review. This tendency was observed to some extent during the course of our court observations and only 48.8% of discontinuances in the sample were timely. The Area's performance in this regard was weak at the time of the last inspection.
- 3.3 The figure for the timely amendment of charges (50% in magistrates' courts cases and 25% in Crown Court cases) are indicators of delay in decision-making, as is the finding that 40% of indictments required amendment. The finding that 94.1% of magistrates' courts cases and 100% of Crown Court cases proceeded on the correct level of charge demonstrates, however, the soundness of final decisions.
- 3.4 The numbers of cracked and ineffective trials in the magistrates' courts are similar to the national performance. However, our finding that CPS action could have avoided a trial cracking in five out of the 11 cases we examined links in with the finding that only 53.7% of summary trial reviews were timely. Similarly, eight out of ten of the cracked trials in the Crown Court we examined could have been avoided by CPS action. Again, this coincides with the finding that 84.6% of committal reviews were timely. We also found that requests for additional information were made appropriately in only 50% of cases at summary trial review and 62.5% of cases at committal review, which provides another factor behind the cracked and ineffective data.
- 3.5 The timely service of committal papers in 73.3% of cases is not far short of the Area target of 77%. Our finding that instructions to counsel were delivered in time in 93.3% of cases is significantly above the Area target of 82%. Also noteworthy, is the Area's marked improvement in the standard of its instructions to counsel since the last inspection.
- 3.6 The figures in relation to adverse cases are not good. The CPS could have done more to avoid the acquittal in five out of six (83.3%) no case to answers (NCTAs), and ten out of 14 (71.4%) judge ordered acquittals (JOAs)/judge directed acquittals (JDAs). This is connected with our findings that there is lack of effective continuing review. The Area needs to adopt a more realistic approach to its assessment of its performance – many of the adverse case reports we saw did not acknowledge that remedial action could have been taken, preferably to strengthen the case, or if not possible to drop the case sooner. We consider the Area's need to learn from experience in more detail in the body of the report.

- 3.7 The Area's performance in relation to disclosure shows little improvement since the last inspection, although some work has been undertaken by the Area to tackle this.
- 3.8 The figures for appropriate use of the witness care measures are good and accord with our findings from other sources. The figures for witness phasing in the Crown Court should be read with caution, as there were only five cases where it would have been appropriate, and in three instances we could not ascertain the position.
- 3.9 There has been variable performance in dealing with PYO cases throughout the year. The average processing time was 88 days in September - only two other Areas had a longer processing time. We deal in more detail later with the work the Area has undertaken already, and the steps it needs to take to reduce the time taken to finalise PYO cases.

4. CASEWORK

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

Overview

- 4.1 Generally, decision-making is sound and we found no evidence of bias or discrimination. The quality of advice, in particular, is good. There is a lack of timely and effective review, however, with cases being allowed to drift on inappropriately. This leads to late discontinuance (particularly in the magistrates' courts) and some cracked and ineffective trials.
- 4.2 The Area's handling of unused material is weak, with limited evidence of effective steps taken to improve the weak performance previously identified. Similarly, although some work had been undertaken since the last inspection, effective steps to tighten up procedures for custody time limits (CTLs) have only recently been introduced. On the other hand, instructions to counsel are good (a considerable improvement since the last report).

Requests for advice

STANDARD: REQUESTS FOR ADVICE ARE APPROPRIATE, AND DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ADVICE IS FREE FROM BIAS AND DISCRIMINATION

- 4.3 The request for advice was appropriate in all 15 cases in the file sample. There is a protocol between the Area and the police on the submission of cases for advice, as well as an agreement that all road traffic cases involving fatalities are submitted. In addition, the Area is increasingly involved in giving pre-charge advice in murder and rape cases.
- 4.4 Lawyers provided good quality advice in all 15 cases. It was well reasoned and comprehensive, and showed no evidence of bias or discrimination. The Area issued a Service Standard on how to handle advice cases following the last inspection, which was followed in each case, and appears to have improved the quality of advice. The vast majority of advices were typed.
- 4.5 Our last report included a recommendation aimed at improving timeliness. Seven out of 15 advices were timely in the current sample. The problem was particularly acute in the TU, where none of the five cases was timely (although we were unable to ascertain timeliness in one case). Limited improvement has been achieved and the average delay was 8.6 days, compared to 17.8 days at the time of the last report.

Strengths

- * All advice given accorded with the Code tests.
- * Advices were well reasoned and comprehensive.

Aspects for improvement

- * Timeliness of advice to police.

Cases ready to proceed at first date of hearing

STANDARD: JOINT CPS/POLICE PROCESSES ENSURE CASES READY TO PROCEED AT FIRST DATE OF HEARING AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME (I.E. TO ELIMINATE UNLAWFUL DISCRIMINATION, PROMOTE EQUALITY OF OPPORTUNITY AND PROMOTE GOOD RELATIONS BETWEEN PERSONS OF DIFFERENT RACIAL GROUPS)

- 4.6 Files are generally available for review by CJU lawyers and designated caseworkers (DCWs) at the relevant police station the day before the first court hearing. A lawyer in the Derbyshire North CJU is based at Chesterfield Police Station and reviews all their early administrative (EAH) cases. Most other cases are reviewed by a lawyer or DCW visiting the relevant police station. Whereas most files arising from the Derbyshire North CJU were the subject of initial review before the first date of hearing, there was no evidence of such review in many cases from the Derbyshire South CJU. The agreed system for the Area is that, in the absence of a plea or mode of trial being dealt with, cases are adjourned for four weeks for a full file and review. Some cases remained un-reviewed for up to a further four weeks (or even more if adjourned for summary trial or committal – see below).
- 4.7 Some of the courts were overloaded, thereby reducing the ability of the advocate to review all files effectively, although the issue has now been resolved. Review endorsements were variable in the file sample: 73% had the evidential Code test fully recorded, 63% the public interest test, and 50% mode of trial considerations.
- 4.8 There was rarely a record of material served as advance disclosure – there was no record in 42 out of 46 cases, other than an endorsement of the date served. The Area provides additional advance disclosure once the full file has been received. Although at this stage a form is completed, it rarely set out precisely what was being served, relying instead on cross-referring to the full file. As Area practice is to remove surplus material from the file during the course of its progress through the courts, the cross referral to the file loses any effectiveness in providing a record and, in any event, this practice does not enable the defence to carry out any checks on whether they have received what the Area has purported to serve.

Aspects for improvement

- * Details of material provided to the defence as advance information are not being recorded.

RECOMMENDATION

We recommend that Unit Heads ensure that all files receive timely and full initial review, and that reviews are fully recorded.

Bail/custody applications

STANDARD: JOINT CPS/POLICE PROCESSES ENSURE APPROPRIATELY INFORMED BAIL/CUSTODY APPLICATIONS ARE MADE AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME

- 4.9 Lawyers are generally provided with sufficient information to enable them to make appropriate decisions/applications about bail/custody.

Discontinuances in magistrates' courts

STANDARD: AREA PROCESSES ENSURE DISCONTINUANCES IN MAGISTRATES' COURTS OR CROWN COURT ARE BASED ON ALL AVAILABLE MATERIAL AND ARE TIMELY

- 4.10 We commented on the quality of decisions to discontinue at paragraph 3.2. All reasonable steps had been taken to request additional evidence or information before discontinuing in 78.6% of cases. The reasons for discontinuance were fully recorded in 90.2% of cases. The police were fully consulted in most cases and, where the position could be ascertained, agreed with the decision (but there was no evidence of a response from the police in 19 out of 35 cases).
- 4.11 We considered that the case was dropped at the earliest reasonable opportunity in only 48.8% of cases, a performance similar to the last inspection. It is an example of the tendency not to review cases effectively at an early stage, but to let them drift with decisions being made at a late stage. It is caused in part by cases being passed from the CJUs to the TU without their having been properly reviewed, only for them not to be considered by a TU lawyer until the committal file is received. In some instances, cases were not fully reviewed for up to ten or more weeks after the first date of hearing.

Aspects for improvement

- * Late discontinuance.

Summary trial preparation

STANDARD: AREA SUMMARY TRIAL PROCESS ENSURES THAT THE PTR (IF THERE IS ONE) AND THE TRIAL DATE ARE EFFECTIVE HEARINGS, AND ANY DECISIONS ON ACCEPTABILITY OF PLEAS OR ALTERNATIVE CHARGES ARE MADE IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ARE FREE FROM BIAS AND DISCRIMINATION

- 4.12 Administrative summary trial checks take place and there are some actions that are undertaken expeditiously. In particular, evidence was served under section 9 Criminal Justice Act (CJA) 1967 appropriately in all 31 relevant cases, and service was timely in 26 instances. Other work, such as service of primary disclosure (see below), is carried out so close to the date of trial that the defence are given an adjournment.
- 4.13 There is limited evidence of effective, timely, legal review. This is due in part to the limited number of pre-trial reviews being held (where decisions about the course of the case have to be made), and to the fact that some full files come in late, and so are not reviewed until the advocate does so while preparing for court. (We comment at paragraph 10.10 about steps to improve the timeliness and quality of police files, and the fact that failure by lawyers to return TQ1s does not help.) Some case management hearings at court are of a very casual nature, and are undertaken before a trial bundle or disclosure is served on the defence.
- 4.14 Whatever the cause, although requests for the necessary full file in summary trials are made expeditiously (all but one request out of 41 cases in the sample were timely), cases are not being reviewed sufficiently promptly and effectively. In the file sample, there was clear evidence of a trial readiness check in only six out of 41 cases, and in only 22 of those cases was it clear that there had been a timely summary trial review.
- 4.15 Failure to take action contributed to the cracking of five out of 13 trials in the sample - pleas should have been accepted earlier in three of these cases. Our findings in the file sample were confirmed by our observations in court, where we saw examples of late negotiations taking place to agree a bind over on the day of trial, and, in another case, to omit aggravating circumstances.

Strengths

- * The appropriate and timely use of the section 9 CJA 1967 procedure.

Aspects for improvement

- * The late and ineffective review of summary trials.
- * The numbers of cracked trials that could have been avoided by CPS action.

Committal and Crown Court case preparation

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

- * SERVICE OF THE PROSECUTION CASE ON THE DEFENCE TAKES PLACE WITHIN AGREED TIME PERIODS BEFORE COMMITTAL/PDH;**
- * PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE; AND**
- * PROSECUTOR IS FULLY INSTRUCTED**

- 4.16 Lawyers undertake committal preparation, although the Area system is for caseworkers to do so. The file sample revealed instances of lawyers apparently not being involved in important decision-making after committal, such as whether a retrial should be sought or whether a victim’s medical evidence should be disclosed to the defence.
- 4.17 Committal preparation and service was timely in 11 out of 15 cases (73.3%) (although we could not ascertain the position in two cases). This is not far short of the Area’s target of 77% for 2002-3.
- 4.18 The Crown Court has introduced a system of paper PDHs, requiring the prosecution and defence to certify trial readiness. Although the Area finds this more time consuming than actual court hearings, we found compliance with PDH orders in all four cases where we could ascertain the position.
- 4.19 The Area is not taking all necessary steps to make the trial date effective – 80% of cracked trials in our sample could have been avoided by CPS action. Further, we found that the CPS could have done more to avoid the outcome in 73.3% of JOAs/JDAs where the outcome was foreseeable.
- 4.20 The quality of instructions to counsel has improved significantly since the time of the last report. Summaries in counsel’s instructions deal well with case issues. The case analysis guidance on the shared drive is being used to improve and maintain the standard. Timeliness of delivery of briefs was good – 93.3% in our file sample, well above the Area’s target of 82%.

Strengths

- * Summaries in counsel’s instructions deal well with case issues.
- * Timeliness of delivery of briefs to counsel.

Aspects for improvement

- * Lawyers preparing committal bundles, but some evidence of not being involved in decision-making post committal.
- * The numbers of cracked trials and JOAs/JDAs that could have been avoided by CPS action.

RECOMMENDATION

We recommend that Unit Heads ensure that all files are kept under continuous review, particularly:

- * **at the summary trial review stage;**
- * **when cases are passed to the TU for preparation for committal for trial; and**
- * **when legal decisions need to be made after committal.**

Disclosure of unused material

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

- 4.21 Disclosure was not handled particularly well at the time of the last inspection, and a recommendation was made designed to address this. In an effort to improve performance, the Area undertook training on disclosure, both internally and with the police. Additional work was undertaken by a TU lawyer, who has prepared desk instructions. Unused material and schedules are to be kept in a separate folder, and a log of actions taken completed. Although the desk instructions apply to the CJUs as well, it is clear that they are not being used and effective action is needed to improve performance in magistrates' courts cases.
- 4.22 The schedules of unused material provided by the police lack proper descriptions and yet there was little evidence of lawyers either seeking amendment or copies of the items, particularly in magistrates' courts cases. In many cases, therefore, lawyers did not appear to be in a position to make an informed decision on disclosure and so we were unable to satisfy ourselves that the Area was complying scrupulously with its obligations.
- 4.23 The lack of description is behind our finding that primary disclosure in the magistrates' courts was dealt with correctly in only 22% of cases. Where primary disclosure does take place, it is not always timely. It was timely in the file sample in only 17 out of 37 cases. Lack of, or late, disclosure contributes to some summary trials being adjourned at the application of the defence.

- 4.24 Disclosure schedules in Crown Court cases also lacked description, but there was evidence of lawyers considering copies of items. We therefore concluded that more informed decisions were being made by TU lawyers, with the consequence that the file sample showed that primary disclosure had been correctly handled in 66.7% of cases. The letters serving primary disclosure pre-dated committal, however, and there was generally no other indication to show when it was actually served. For this reason, the data shows that disclosure was timely in only seven out of 15 cases. We were informed that generally primary disclosure is served at the committal hearing - we accept that the issue of one of lack of endorsements. Steps need to be taken to ensure that the date of service is properly recorded.
- 4.25 The figures from the file sample for service of secondary disclosure are poor, with evidence of its service in only 16.7% of cases. This is despite the fact that prompt steps are being taken to send a copy of the defence statement to the police, using the front sheet that was commended in the last report, and the police are responding appropriately. We were told that informal secondary disclosure is probably being made at the Crown Court itself. This is not satisfactory. First, it means that lawyers are not addressing their minds to whether or not any items need to be disclosed; and secondly, that there is no audit trail for what has actually been done or served, if anything.
- 4.26 We have some concerns about the handling of sensitive and third party material. There was some evidence from the file sample that lawyers are not always considering whether or not such items need to be disclosed. In particular, there were two cases where a victim's medical notes were disclosed to the defence, without any consideration of whether or not they fell within either the primary or secondary test for disclosure. There is also an issue about the police practice of including unedited items on a sensitive material schedule simply because they contain personal details relating to witnesses. Although technically correct, it can provide a misleading impression of the level of sensitive material and thereby reduce the attention given to material that is truly sensitive. The Area needs to discuss this issue with the police.

Strengths

- * The production of desk instructions on disclosure for the TU.

Aspects for improvement

- * The desk instructions need to be issued as guidance for the CJUs.

RECOMMENDATION

We recommend that Unit Heads ensure that lawyers:

- * ask for proper descriptions, or copies, of unused material;**
- * properly undertake their duties of primary and secondary disclosure at the appropriate time, and make appropriate records;**
- * properly undertake their duties of disclosure in relation to sensitive and third party material; and**
- * record all decisions.**

Sensitive cases

STANDARD: SENSITIVE CASES (RACE CRIME, DOMESTIC VIOLENCE, CHILD ABUSE/CHILD WITNESS, RAPE, FATAL ROAD TRAFFIC OFFENCES, HOMOPHOBIC ATTACKS) ARE DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CPS POLICY AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION

- 4.27 The Area's handling of sensitive cases is sound, with appropriate decisions being made without evidence of bias or discrimination. Specialist lawyers and co-ordinators have been appointed to drive forward improvements in performance, although they do not routinely review all cases within their field of expertise. We comment in more detail on the work of the domestic violence co-ordinator in the chapter entitled Public Confidence.
- 4.28 Area practice is for some categories of sensitive cases to be flagged. The majority of racially aggravated cases were flagged and child abuse cases put in distinctive file jackets, but domestic violence incidents were not consistently identified. There had been a misunderstanding about the need to flag these cases and we are satisfied that new files are being appropriately flagged.
- 4.29 Generally, cases involving allegations of domestic violence are well handled, with lawyers adopting a proactive approach. All but four of the 19 cases we examined were dealt with in accordance with CPS policy. In two of the exceptions, we considered that further information should have been sought before the cases were discontinued; we could not determine whether the appropriate process had been followed in the remaining two.
- 4.30 Racially aggravated cases are handled positively and appropriate decisions taken in the public interest, although we had some concerns about the lawyer's racial awareness in one case.
- 4.31 Other sensitive cases are also handled appropriately. In particular, we noted the protocol for dealing with fatal road traffic offences, and the involvement of one lawyer in early liaison with the police in rape cases.

Strengths

- * Appointment of specialist lawyers and co-ordinators.**

File/message handling

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

- 4.32 File/message handling procedures have recently been improved by the issuing of desk instructions for administrative staff, as a result of an acknowledgement that post handling was causing some delay. In one CJU, post is filtered by the DCWs, who deal with routine correspondence themselves and pass the rest to lawyers. This has the advantage of reducing the time spent by lawyers on routine tasks, and could be further developed by making the first point of contact the administrative staff.

Custody time limits

STANDARD: SYSTEMS ARE IN PLACE TO ENSURE COMPLIANCE WITH TIME LIMITS/TARGETS IN BOTH MAGISTRATES' AND CROWN COURT

- 4.33 The Area's handling of custody time limits was not secure at the time of the last inspection. Although steps were taken to address this, the action taken was not sufficient to prevent a failure occurring in November. Comprehensive desktop instructions have since been issued. These should, if properly implemented and adhered to, reduce the likelihood of failures occurring in the future.
- 4.34 All the 15 files examined had review and expiry dates correctly calculated and endorsed. The Area is looking at new ways to make CTL files more visible and is to introduce coloured bands to help identify this.

RECOMMENDATION

We recommend that the Area Management Team ensure staff receive training on the CTL desktop instructions, and monitor its implementation, operation and effectiveness.

National Probation Service and Youth Offending Teams

STANDARD: AREA HAS SYSTEMS TO ENSURE COMPLIANCE WITH PROVISION OF INFORMATION TO PROBATION SERVICE TO ENABLE THE PRODUCTION OF ACCURATE REPORTS FREE FROM DISCRIMINATION AND BIAS

- 4.35 It was difficult to tell from the file sample that the Area was providing information to the Probation Service. There was no record in 12 out of 27 cases to show whether or not information had been provided. It is clear from other evidence that the information is generally provided, but a record needs to be kept.

Aspects for improvement

- * Recording of the provision of information to the Probation Service.

Appeal and committal processes

STANDARD: APPEAL AND COMMITTAL FOR SENTENCE PROCESSES ENSURE APPEAL/ SENTENCE HEARINGS ARE FULLY PREPARED AND PRESENTED

- 4.36 Appeals and committals for sentence are satisfactorily dealt with. Counsel are instructed to appear in most instances, and are properly instructed. Some committals for sentence are dealt with by higher court advocates (HCAs).

Appeals against unduly lenient sentences

STANDARD: SUBMISSIONS TO THE ATTORNEY GENERAL OF POTENTIAL REFERENCES TO THE COURT OF APPEAL AGAINST UNDULY LENIENT SENTENCES ARE MADE IN ACCORDANCE WITH CPS POLICY AND CURRENT SENTENCING GUIDELINES, AND ARE FREE FROM BIAS AND DISCRIMINATION

- 4.37 All indictable only cases, where the defendant has not been sentenced to a term of imprisonment, should be referred to the TU Head for consideration whether or not to refer the case to CPS Headquarters as a potential appeal by the Attorney General against an unduly lenient sentence. When identified, cases are handled well. The Area was commended by Treasury Counsel and Headquarters for the way in which they presented a recent case.

Strengths

- * Presentation of a recent potential appeal against an unduly lenient sentence.

Recording of case outcomes

STANDARD: RECORDING OF CASE OUTCOMES AND ARCHIVING SYSTEMS ARE EFFICIENT AND ACCURATE

- 4.38 There is a good awareness amongst staff of the importance of accurate and timely case finalisations. A pro-active management approach is taken to the issue and performance is closely monitored. Files examined by inspectors had been categorised accurately. Refresher training may be appropriate in the light of the upgrading of desk manuals.

Information on operational and legal issues

STANDARD: INFORMATION ON OPERATION AND LEGAL ISSUES IS EFFICIENTLY AND EFFECTIVELY DISSEMINATED

- 4.39 Adverse case reports are completed in all JOAs/JDAs and cases where magistrates find no case to answer. The reports for magistrates' courts cases do not include a requirement for reasons for the failure to be given, and therefore they do not, on the face of them, provide a mechanism for learning from experience. The reports completed in Crown Court cases, on the other hand, do include reasons for the

outcome. However, they are not always completed in a sufficiently robust way, and do not explore the question of whether the CPS could have done more to avoid the outcome. Further, there is no overall analysis of the reports. The Area is, therefore, losing an opportunity to learn from experience and improve performance.

- 4.40 Legal issues, such as the disclosure desk instructions and the case analysis guidance referred to above, are put on the shared drive. The TU Head also puts notes on legal points (such as identification issues and guidance on cases involving an attempt to pervert the course of justice) on the shared drive. This is a good way of disseminating information and could be extended to include a monthly analysis of adverse cases.

Strengths

- * The use of the shared drive for notes and guidance on legal issues.

Aspects for improvement

- * The completion and analysis of adverse case reports in a way that examines the issues robustly and ensures that the Area can learn from experience.

5. ADVOCACY AND QUALITY OF SERVICE DELIVERY

KEY REQUIREMENT: THE AREA DELIVERS A HIGH QUALITY OF SERVICE, INCLUDING ADVOCACY, TO THE COURT, OTHER COURT USERS, AND VICTIMS AND WITNESS, WHICH CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS

Overview

- 5.1 The standard of CPS advocates in the magistrates' courts is satisfactory, but there is concern over the quality of some agents. CPS advocates in the Crown Court are good. There is a high rate of returned briefs by counsel.
- 5.2 The Area provides good quality service to the courts and court users, with some particularly notable initiatives (for example, the use of administrative support in some magistrates' courts, and the use of a publicly sited table for caseworkers in the Crown Court). However, the standard of service is compromised by a lack of timely review or preparation on the part of prosecutors.

Advocacy monitoring

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

- 5.3 TU advocates (both HCAs and non-HCAs) are held in high regard by Crown Court users.
- 5.4 The evidence indicates that there are two CPS lawyer advocates in the magistrates' courts who perform below satisfactory standards. The Area's Certificate of Assurance confirms this, indicating that 92% of advocates met the standard. DCWs are generally held to be competent.
- 5.5 There is limited use of agents in the magistrates' courts, primarily because there are limited numbers of suitable advocates. Where used, there are issues over ability and preparedness (see below).
- 5.6 The advocacy standard of counsel in the Crown Court is acceptable. However, there is a high level of returned briefs, noted both in the file sample (six out of nine trial briefs were returned) and the Area's own data. The Area has relied primarily on chambers in Nottingham, although they have instructed counsel from Birmingham, Leicester, Peterborough and Stafford in an attempt to overcome problems. They are considering instructing a core of counsel – steps should be taken to do so.
- 5.7 Two of the Unit Heads aim to monitor each advocate at least once per year, and the third should endeavour to do likewise. Formal monitoring of counsel is undertaken by caseworkers, but ethnicity is no longer being monitored, although there is a proposal to re-introduce this.

Strengths

- * The performance of TU advocates at the Crown Court.

Aspects for improvement

- * The standard of some advocates (both CPS prosecutors and agents) in the magistrates' courts.
- * The standard of service given by some chambers.
- * The monitoring of counsel should include ethnicity of counsel selected.

Court endorsements

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

- 5.8 Court endorsements are accurate – 49 out of 61 magistrates' courts files and 13 out of 15 Crown Court files showed a comprehensive record of case progress. The delay in undertaking actions referred to in the preceding chapter is not due to the systems for processing files returned from court, which are satisfactory.

Court preparation

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

- 5.9 The Area's office systems are designed to have court files distributed to CPS prosecutors two days before the court hearing, and to agents three days before. This is to ensure that prosecutors have sufficient time to prepare their cases, which can then be properly presented to the court.
- 5.10 The majority of files are distributed ahead of the relevant court hearings, but we observed occasions when the prosecutor had only recently received the file and, as a result, the case was not as well prepared as it might be.
- 5.11 It is sometimes evident that agents have only received the files on the morning of the court and this can result in delays in court, because the agent may need further time to prepare the case.

Aspects for improvement

- * Distribution of court files to prosecutors, both CPS and agents, in good time before the court hearing.

Attendance at court

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

- 5.12 In our court observations, prosecutors were in attendance at court in good time to deal with any issues that needed to be resolved before the commencement of the court, and no major concerns were raised with us about the timeliness of attendance of prosecutors at court.
- 5.13 In the magistrates' courts, prosecutors are assisted in some of the busier courts by administrative staff. They deal with routine matters, and make any enquiries on behalf of the prosecutor, without the need for the court proceedings to be interrupted. This is a practice that has contributed to the smooth and efficient running of the courts, and was welcomed by CPS staff and representatives of external agencies alike.
- 5.14 In the Crown Court at Derby, caseworkers cover the courtrooms on a 1:1 ratio. However, because of the tasks that are undertaken by them, caseworkers are frequently away from the courtroom, and the perception of other court users is often that court coverage is less than it actually is.
- 5.15 In addition to covering the Crown Court at Derby, caseworkers also attend the Crown Court at Leicester and Nottingham, and at Manchester about two or three times a year, to deal with cases being prosecuted by CPS Derbyshire.
- 5.16 In the Crown Court at Derby after 10.30am (when the courts generally begin sitting), caseworkers leave the CPS room (which is within a private area of the court building) and, if they are not in court or engaged in other tasks, sit at a table that is sited within a public area (CPS prosecutors also use this table). This ensures that the caseworkers are readily accessible to counsel, representatives of Witness Service or any other parties who need to deal with them.

Strengths

- * The provision of administrative staff in some magistrates' courts to provide support and assistance to prosecutors.

Accommodation

STANDARD: THE CPS HAS ADEQUATE ACCOMMODATION AT COURT AND THERE ARE SUFFICIENT FACILITIES TO ENABLE BUSINESS TO BE CONDUCTED EFFICIENTLY

- 5.17 The standard of accommodation available to the CPS in the magistrates' courts varies, but new courthouses are being provided at Derby, Chesterfield and New Mills (replacing the courthouses at Buxton and Glossop). It is anticipated these new premises will provide improved accommodation for the CPS.

- 5.18 The only concern expressed to us about the accommodation at the Crown Court related to the facilities available to witnesses. Witnesses are able to enter the court without using the public entrance and can be provided with a separate room away from the public area, but there are no specifically ‘child friendly’ rooms for very young witnesses, nor any rooms for vulnerable or intimidated witnesses. The latter do have access to an area that is screened off from direct public view, but it is still within the public area of the court.

6. VICTIMS AND WITNESSES

KEY REQUIREMENT:

- * THE NEEDS OF VICTIMS AND WITNESSES ARE MET
 - * DECISIONS TO DISCONTINUE, OR SUBSTANTIALLY ALTER A CHARGE ARE PROMPTLY AND APPROPRIATELY COMMUNICATED TO VICTIMS IN ACCORDANCE WITH CPS POLICY, AND IN WAY WHICH MEET THE NEEDS OF INDIVIDUAL VICTIMS
-

Overview

- 6.1 The Area has improved its care of victims and witnesses, but needs to address some of its systems for supplying information to the Witness Service.
- 6.2 The Area has fully implemented the standard model for Direct Communication with Victims (DCV), which gives responsibility for communication to individual prosecutors. Generally the standard of communication with victims is high, although not all relevant cases are identified so as to ensure that the Area is able to provide a service of sufficient quality.

Witnesses at court

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

- 6.3 Advocates and caseworkers are consistent in introducing themselves to witnesses at court. Counsel instructed by the CPS in the Crown Court generally meet all child witnesses, as well as adult witnesses where this is thought to be appropriate. We also observed an example where counsel had taken active steps to avoid embarrassing a witness with reading difficulties. Prosecution witnesses are also given comment cards, which they can use to record their views on the care afforded to them by the CPS and other relevant issues. We deal with the use of the feedback received from these cards and other surveys in more detail at paragraph 12.18.
- 6.4 Much of the care and attention provided to witnesses at court is provided by the Witness Service. It is therefore important that the Witness Service is given accurate information about the number and status of witnesses to be called, and details of any special needs that particular witnesses might have.
- 6.5 In the magistrates' courts, the Witness Service is given details of the names of witnesses anticipated to be called in a trial several weeks before the event. Whilst this is helpful, it is important that they are also aware of any special needs witnesses may have, and advised of any changes, to enable them to arrange their resources effectively to meet witness needs. The Area is recording whether the witness is an adult or a youth, but does not record whether there are any other needs, for example whether the witness has mobility difficulties, or whether special measures apply. The Area does not always notify the Witness Service of changes in circumstances, for example, where a witness is no longer attending, or where a case has been discontinued. In the Crown Court, the Witness Service is only provided with details of witnesses shortly before the trial date.

- 6.6 There is no wide awareness of the multi-agency service level agreement relating to witness care, and the Area may wish to ascertain whether it needs to be applied more effectively or whether it needs modification to improve its effect.
- 6.7 There is good awareness of the new special measures procedures, which are available to assist young or vulnerable witnesses, but there is currently an ad hoc approach to these cases. There are wide variations between the units as to the number of special measure cases (between 50-70 in South Derbyshire, compared with single figures in the North). We were told that a protocol has been drafted, which relates specifically to special measures procedures, and that this is awaiting approval by the police. Area managers will want to ensure that this meets the needs of witnesses, enabling the Witness Service to provide an improved service to those witnesses who may be most in need, and that it is implemented.

Strengths

- * The initiative of giving comment cards to prosecution witnesses.

Aspects for improvement

- * The flagging of all cases where there are 'identifiable victims', and endorsement of files where a letter to the victim is required.

Direct Communication with Victims

STANDARD: THE AREA HAS DETERMINED THE MODEL TO BE USED FOR DIRECT COMMUNICATION WITH VICTIMS (STANDARD, VICTIM INFORMATION BUREAU OR HYBRID) AND HAS ESTABLISHED APPROPRIATE PROCESSES TO DELIVER THE INITIATIVE EFFECTIVELY

- 6.8 Area has introduced the 'standard model' for dealing with Direct Communication with Victims (DCV), which involves individual prosecutors being given the responsibility for ensuring that there is effective communication with victims, whether by letter, by telephone or through meetings, in all appropriate cases. Cases that involve 'identifiable victims' are flagged, and should be endorsed if a decision is made by the CPS that results in a charge being dropped or substantially altered.
- 6.9 All prosecutors involved in dealing with DCV have received appropriate training, and have been provided with laminated instructions relating to the process. A self-assessment exercise carried out by the Area indicated that administrative staff would benefit from further training, and steps are being taken to implement this.
- 6.10 Following the implementation of DCV, CPS Policy Directorate carried out an assessment of the initiative in September 2002. This showed that not all cases involving identifiable victims were being properly flagged, and that there were variations in the proportion of cases being flagged across the Area. This varied from

29% in the TU to 76% in the CJU South. There was also variation in the proportion of files endorsed to show that a letter to the victim was required. This varied from 7% in the TU to 45% in the CJU South. Nevertheless, letters were actually being sent in a higher number of cases, and this was presumed to be as a result of identification of the need for a letter after court, by administrative staff. Area managers are taking steps to improve performance.

- 6.11 Timeliness of the letters to victims can be good – in November 2002, the average time between the decision being made and the victim being informed was three days. The Policy Directorate assessment showed that about 100 letters per month were being sent, and these were being sent within six to seven days. This is broadly consistent with the national average across all the CPS Areas, but below the national target (70% of letters being sent within five days).
- 6.12 The majority of DCV letters we saw gave proper explanations for decisions made, and were in plain English. Nevertheless, the overall approach depended on the individual prosecutor concerned, and it was not always clear that the impact of the wording of the letter (which could be construed as being critical of the victim) had been properly considered.

Strengths

- * Overall, the quality of letters sent to victims is good (although proper consideration needs to be given to the wording of letters to ensure that they do not imply inappropriate criticism of the victim).

- 6.13 Ordinarily, prosecution decisions will be communicated to victims by letter so that they have a written record of the decision. Sometimes, in specific circumstances, it may be desirable to contact the victim by telephone, but the Area had not found this to be necessary or appropriate to date.

Meetings with victims and relatives of victims

STANDARD: MEETINGS ARE OFFERED IN APPROPRIATE CIRCUMSTANCES, STAFF ARE ADEQUATELY PREPARED AND FULL NOTES ARE TAKEN

- 6.14 Where appropriate, meetings were offered to victims in all the letters we examined, although, to date, there have no meetings or requests for one. It is clear, however, that prosecutors and caseworkers frequently speak to victims at court, particularly when trials do not proceed because alternative pleas are accepted by the prosecution. In the file sample, the victim was consulted in three out of seven Crown Court cases and in four out of six magistrates' courts cases.
- 6.15 The Area has made available suitable accommodation for any meetings that do take place. The meeting room is comfortably furnished, and is close to the reception area, with suitable access for disabled persons. The Area has also provided a dedicated telephone line, specifically for any follow-up enquiries made by victims.

- 6.16 There have been meetings with the relatives of the deceased in road traffic incidents in accordance with the commitment given by the CPS in such cases.

Strengths

- * Suitable, appropriately furnished, accommodation with good access made available for DCV meetings.

Victims' Charter

STANDARD: RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES ARE CONSISTENTLY MET IN ACCORDANCE WITH VICTIMS' CHARTER

- 6.17 The Area has devised a leaflet for witnesses *What can I expect as a prosecution witness at court* for the benefit of prosecution witnesses. It is also available in large print, audio and a number of community languages. The document received a commendation at the CPS Equality and Diversity awards in October 2002.
- 6.18 The payment of witness expenses is timely. It has improved from 99.7% within time guidelines in 2001-02 to 100% so far in 2002-03.

Strengths

- * The *What can I expect as a prosecution witness at court* pamphlet devised by the Area.

Aspects for improvement

- * Variable performance in notifying the Witness Service of witnesses, and the lack of notification of changes in circumstances, particularly where cases are discontinued or adjourned.
- * The effectiveness and consistent application of the service level agreement relating to witness care.
- * The lack of an agreed protocol relating to cases involving special measures for witnesses.

7. PERFORMANCE MANAGEMENT

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

Overview

- 7.1 The Area has made clear progress in its approach to performance management since the last inspection. Staff (at all levels) are committed to the timely production of performance information, and there is a good general level of awareness about how the Area is performing in relation to the CPS national targets.
- 7.2 The Area routinely monitors most aspects of performance but there is room for further development. The information gathered could be analysed more effectively to identify aspects for improvement, and to inform future action planning.

Standards of performance

STANDARD: STANDARDS OF PERFORMANCE ARE SET FOR KEY ASPECTS OF WORK AND COMMUNICATED TO STAFF

- 7.3 The Area has developed a wide range of standards for aspects of casework; staff awareness of which is high. Managers are able to identify related improvements in performance to the implementation of these standards (for instance, an improvement in the quality of advices and instructions to counsel).
- 7.4 We were pleased to note that there is quality assurance activity in relation to both lawyers' and administrators' work, and feel that this approach could usefully be extended to the work of caseworkers.

Strengths

- * A wide range of casework standards have been developed and effectively promulgated, resulting in improved performance.

Aspects for improvement

- * Quality checks on the work of caseworkers would be beneficial.

Performance monitoring

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

- 7.5 The Area has a well-established system of monthly unit performance reports. There is a collegiate approach to the production of these documents, with a significant number of staff members contributing to their production.
- 7.6 Although many performance issues are monitored, there is scope for improving the analysis, evaluation and effective use of that information to deliver better performance results. Only limited use is made of cracked and ineffective trial data (which has been available since at least April 2002). At the time of the inspection, difficulties surrounding the integrity of this data were still to be resolved. This issue requires early attention, and should be given a higher priority than has been the case hitherto.

Strengths

- * A wide-range of performance data is gathered and made available to all staff.

Aspects for improvement

- * More effective analysis, evaluation and use of performance data is required to ensure delivery, especially that relating to cracked and ineffective trials.

Joint performance management

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

- 7.7 This aspect of performance management needs to be developed further, and the Area is keen to ensure that the establishment of the new Local Criminal Justice Board, and the appointment of an Area Performance Officer will deliver improvements.
- 7.8 Joint performance management (JPM) meetings take place regularly with the police, and Area representatives attend Court User Group meetings at the relevant magistrates' courts. We understand that there has been no Crown Court User Group meeting since December 2001, although one is planned for March 2003.

Risk management

STANDARD: RISK IS KEPT UNDER REVIEW AND APPROPRIATELY MANAGED

- 7.9 The identification of risk as a formal part of the planning process, and its active management thereafter, is under-developed, and would benefit from further attention.
- 7.10 We were pleased to note that the structure of Area performance reports facilitated the early identification of ‘areas of concern’. However, this was often not supported by any clear evidence about how any concerns would be addressed.

Aspects for improvement

- * The identification of risk as a formal part of the planning process, and its active management thereafter, should be strengthened.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.11 We were able to confirm the findings of the Area’s Investor In People (IiP) assessment that noted a range of continuous improvement activities, and a high awareness of the link between these activities and better delivery.
- 7.12 The Area is fully committed to the use of the Business Excellence Model as a means of assessing its performance and identifying areas for improvement. Each unit (including the management team) undertakes a self-assessment exercise each year, the findings of which are fed into the business plans to ensure the appropriate follow-up action.
- 7.13 The Area has also set up a Business Development Group to assess the adequacy of its systems and to make recommendations for improvements.

Strengths

- * The Area is committed to continuous improvement, and has the structures in place to facilitate delivery.

RECOMMENDATION

We recommend that the Area Management Team:

- * **increase its focus on the performance issues that support the delivery of the Public Service Agreement targets (for example, cracked and ineffective trial data, and unsuccessful outcomes etc.);**
- * **ensure that any analysis of the performance data clearly identifies areas for improvement, and notes any remedial action that will be taken; and**
- * **improve the identification of risk as part of the formal planning process, and its active management thereafter.**

8. PEOPLE MANAGEMENT AND RESULTS

KEY REQUIREMENTS:

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

Overview

- 8.1 We were satisfied that overall the Area has sound employment practices and procedures. Internal communications are good. Staff are kept up to date (through a variety of media) with key developments within the CPS, at corporate and Area level, and the criminal justice system. The results of the 2002 staff survey were generally positive. Staff in Derbyshire experience fewer frustrations at work than in 2000, and less than average nationally.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.2 The Area has effective systems in place to ensure that human resource needs are systematically and continuously planned. Regular meetings have been held since July 2002 to look at staffing/resource issues. All Business Managers are involved and collectively look at staffing needs across the Area. All Unit Heads and Business Managers recognise the fair application of a locally modified ABC model for Derbyshire.
- 8.3 The Area has undertaken recruitment for three additional lawyers, who all take up post imminently.
- 8.4 There was little evidence that the Area had given detailed thought to its human resource requirement under a co-located structure. However, the Area's decision to keep a flexible core of casual staff at level A was sensible.

Staff structure

STANDARD: STAFF STRUCTURE AND NUMBERS ENABLE WORK TO BE CARRIED OUT COST EFFECTIVELY

- 8.5 The stationing of an experienced crown prosecutor at Chesterfield Police Station has been successful. The increased number of face-to-face discussions with police have improved both relationships and file quality. Clear benefits have come from the closer working relationship between the prosecution and the police, but the need for co-location remains (see paragraphs 13.8 – 13.9). However, it is encouraging to note that the Area was well placed to move forward quickly in relation to the new charging initiatives.

- 8.6 The consistent and regular deployment of lawyers and DCWs for full day sessions needs some attention to secure efficiency gains and reduce time spent travelling.

Good employment practice

STANDARD: MANAGEMENT MEETS ITS STATUTORY OBLIGATION AS AN EMPLOYER AND DEMONSTRATES GOOD EMPLOYMENT PRACTICE

- 8.7 The Area maintains a record of staff turnover, and ensures that exit interviews are conducted, and the results analysed to see if further action is appropriate. Turnover rates do not appear to be excessive.
- 8.8 The Area has a number of staff on long-term sick leave, resulting in higher than average sickness levels (10.8 days per member of staff in 2001 compared to the national average of 8.5 days). However, we were satisfied that the Area has effective systems to both monitor, and actively manage, the situation. Line managers have access to a good level of support from the ABM, and make appropriate use of this.

Performance review

STANDARD: STAFF PERFORMANCE AND DEVELOPMENT IS CONTINUOUSLY REVIEWED AND TARGETS AGREED

- 8.9 The Area completed 93% of performance appraisals for the year 2001-2002 by the due date.

Aspects for improvement

- * Managers should ensure that all staff receive a mid-year review of their progress against objectives and related plans.

- 8.10 We are able to confirm the results of the 2002 national staff survey which show that staff in Derbyshire are more satisfied than average with the Area's approach to training and development. We can also confirm the IiP assessor's comment that managers show a high level of commitment to training and development. Examples include investment in additional IT training for all staff, support for 16 administrators to go on the European Computer Driving Licence course, and development of modular legal training for administrators by a group of lawyers. The training needs of all staff are carefully considered and, in particular, the Area has committed significant resources to ensure that staff are able to make effective use of the Area's IT system.
- 8.11 There is good evidence of internal progression. The Area has proximity to other larger CPS Areas, and consequently the main route for development of able staff is through promotion within this larger pool.

Strengths

- * Managers show a commitment to training and development, and ensure that staff training is properly evaluated and the impact on performance noted.

Equality and diversity

STANDARD: ACTION HAS BEEN TAKEN TO IMPLEMENT CPS EQUALITY AND DIVERSITY INITIATIVES AND ALL STAFF ARE TREATED EQUALLY AND FAIRLY

- 8.12 Staff recognise, and value, the Area's commitment to equality and diversity, and there is evidence of this being translated into action, including supplying appropriate equipment for staff, a flexible approach to working patterns and making adjustments to the building. The Area is representative of the local community in terms of ethnicity and disability and has set appropriate targets to maintain this balance. Its work with the Positive Action Training and Recruitment Agency (PATRA) is detailed in the chapter entitled Public Confidence. The Regional Equality and Diversity Officer has been asked to help review the Area's practice in relation to family friendly policies, and provide advice about equality and diversity objectives on a grade by grade basis.
- 8.13 The Area runs an Equality and Diversity Committee, which meets quarterly and produces an action plan. The 2000 plan appeared not to have been reviewed until December 2002. However, Area managers told us that the issues identified in the plan were the subject of regular discussion and action, which is borne out by what we say in preceding paragraph.

9. MANAGEMENT OF FINANCIAL RESOURCES

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

Overview

- 9.1 Inspectors are satisfied that the Area meets the standards applicable to the effective management of finances.

Staff financial skills

STANDARD: THE AREA HAS THE APPROPRIATE STRUCTURE AND STAFF WITH THE NECESSARY SKILLS TO PLAN AND MANAGE FINANCE

- 9.2 Staff in the Area Secretariat undertake all activities relating to the planning and management of finance. Although relatively limited information is presented to the management team as part of the Area performance report, monthly management reports are produced and are the subject of regular detailed discussion and analysis by the CCP and ABM. The Area benefits from having assisted staff to develop a good level of financial expertise and skills.

Strengths

- * The Area demonstrates a responsible attitude to its budget, and initiated early dialogue with CPS Headquarters once it became apparent that the budget was likely to be under spent. The appropriate arrangements have been made for the return of the under spend.

Adherence to financial guidelines

STANDARD: THE AREA COMPLIES WITH CPS RULES AND GUIDELINES FOR FINANCIAL MANAGEMENT

- 9.3 We are satisfied that the Area complies with CPS rules and guidelines for financial management.
- 9.4 There is a high level of awareness among staff of the importance of accurate and timely case finalisations, and evidence of a pro-active management approach. Performance is closely monitored and reported. Some refresher training may now be appropriate for administrative staff following the revision of desk instructions.

Budgetary controls

STANDARD: THE AREA HAS EFFECTIVE CONTROLS TO FACILITATE AN ACCURATE APPRECIATION OF ITS BUDGETARY POSITION FOR RUNNING COSTS

- 9.5 The Area makes full use of the resource accounting system that is available, and has effective processes for monitoring, accurately predicting and controlling expenditure across all budget heads.

Management of prosecution costs

STANDARD: PROSECUTION COSTS ARE EFFECTIVELY MANAGED AND REPRESENT VALUE FOR MONEY

- 9.6 The number of HCA sessions that had been completed was comparatively low. However, the relatively high number of defendants dealt with in the sessions (Derbyshire is in the top quartile nationally), and information that was provided about changes to listing patterns, provide some reassurance about the effective deployment of HCAs at the Crown Court.
- 9.7 The Area's expenditure on prosecution costs is relatively modest.

Value for money approach

STANDARD: THE AREA DEMONSTRATES A VALUE FOR MONEY APPROACH IN ITS FINANCIAL DECISION-MAKING

- 9.8 There was clear evidence of the Area's robust value for money approach.

Strengths

- * The Area has negotiated a number of good value contracts for services and equipment.

10. PARTNERSHIPS AND RESOURCES

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS EXTERNAL AND INTERNAL PARTNERSHIPS AND RESOURCES IN WAYS THAT SUPPORT ITS POLICY AND STRATEGY AND THE EFFICIENT OPERATION OF ITS PROCESSES

Overview

- 10.1 The Area has close working relationships with its CJS partners, being an active member of a number of inter-agency groups, and has entered into a number of protocols with other agencies, particularly the police. This has led to better working relationships, and the exchange of information and data between the various agencies. There now needs to be a more targeted approach to the analysis of information to improve Area and joint performance.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.2 Generally there appears to be a positive approach by all agencies to inter-agency liaison (this was also found by HM Magistrates' Courts Service Inspectorate during their last inspection).
- 10.3 This situation is supported by a number of protocols and service level agreements, including an agreement with the police dealing with their general working relationship, as well as specific protocols dealing with DCV and road traffic fatality cases. A draft protocol has been prepared in relation to the joint responsibilities in indictable only cases that are sent to the Crown Court.
- 10.4 One prosecutor is based at Chesterfield Police Station (see paragraph 8.5), and is able to provide advice and assistance to the local police, as well as improve liaison at an operational level. Another prosecutor will be attending Buxton Police Station one day a week, for similar purposes. There are plans to extend this to a further two locations, and accommodation for two lawyers at Derby Police Station has recently been agreed.
- 10.5 Many of the agreements are more wide reaching than just between the CPS and the police. There is an inter-agency service delivery charter (produced by the Area Criminal Justice Liaison Committee), as well as protocols with specific agencies, such as a protocol relating to the provision of pre-sentence report packages to the Probation Service.
- 10.6 This close liaison could be built upon to enable a better interchange of information between the Area and other agencies. Some information is already exchanged, covering a number of aspects of performance, including file quality and timeliness under the JPM scheme, timeliness of dealing with PYOs and data relating to cracked and ineffective trials.

- 10.7 Although this and similar information is frequently recorded and made available to the Area managers, it is not always apparent to what extent it is properly analysed to enable remedial action to be taken where appropriate. This leads to the perception that the information is not used effectively as a management tool. The Area would benefit from a more targeted approach to both the exchange and analysis of information.
- 10.8 The Area is involved in joint training with some of its partner agencies, providing input into training for magistrates, the police (including on occasion overseas police officers), and Witness Service volunteers.

Strengths

- * A good working with CJS partners, leading to joint protocols and service level agreements.
- * Involvement in inter-agency training.

Aspects for improvement

- * A more targeted approach to the exchange of information between agencies, and the appropriate analysis of such information.

CJS agencies

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE IMPROVING QUALITY AND TIMELINESS OF CASEWORK AND ENSURE THAT DECISIONS ARE FREE FROM BIAS

- 10.9 Area representatives usually attend inter-agency meetings, including Court User Groups meetings for the magistrates' and youth courts. We did not find any evidence to suggest that decisions made by the CPS, whether made by them or in conjunction with other CJS agencies, were influenced by bias.
- 10.10 There are regular joint performance management (JPM) meetings with the police, but the general consensus was that these are not as effective as they might be. Although the JPM figures appear to be good in relation to the quality of police files (74% on full files, 100% on expedited files), there is a low rate of return of the file quality and timeliness assessment forms (TQ1s) that need to be completed by the CPS. This compromises the value of the figures. Area managers acknowledge that TQ1s are not being properly completed, and there is potential to do more work with the police, which would enhance the effectiveness of the JPM meetings.
- 10.11 The Government's target of dealing with PYOs within 71 days from arrest to sentence had been achieved in the past in Derbyshire, but the average time has increased to 88 days for July–September 2002. This is a CJS target that can only be achieved by inter-agency co-operation. The Area has appointed a youth co-ordinator, who undertakes inter-agency activity, including attendance at youth court user groups. One of his specific roles is to drive up performance in relation to timeliness of dealing with

PYOs. It is clear that the figures for each quarter are discussed at meetings, but it would appear that long running cases are considered at the meetings only after they have concluded. Positive joint action needs to be taken to meet time guidelines and targets at each stage in all PYO cases. Although we understand that designated youth advocates discuss current cases with court clerks, the action taken is not minuted and it is unclear what follow-up there is. The Unit performance reports identify long-running cases, but they do not provide any evidence of what action is then taken.

Strengths

- * Area involvement in inter-agency groups and meetings.

Aspects for improvement

- * The returns of TQ1s, and the consequent effectiveness of JPM.
- * The timeliness of dealing with PYOs.

RECOMMENDATION

We recommend that Area managers ensure that data on PYO cases is fully analysed, and the progress of current PYO cases is monitored, in order to improve timeliness.

Improving local CJS performance

STANDARD: CJS PARTNERS ARE SATISFIED WITH CONTRIBUTION THE CPS MAKES TO IMPROVING LOCAL AREA PERFORMANCE

- 10.12 Representatives of other agencies were generally satisfied with the Area's contribution to the local criminal justice system and its overall performance.

Information technology

STANDARD: IT IS DEPLOYED AND USED EFFECTIVELY

- 10.13 The Area is in the CPS Connect 42 system, which enables IT communication throughout the CPS. The latest Investor in People report recorded that staff had commented favourably on the Connect 42 system, although an Area self-assessment indicated that additional benefits would be gained through further training and continuous improvement.
- 10.14 Area staff can communicate electronically with other agencies, and much of the communication between CPS and the police is undertaken by email. There is a protocol governing the exchange of information by email.
- 10.15 Derbyshire police are piloting the new police case preparation system that will supply a secure network facility for transfer of information between the police and CPS.

Buildings, equipment and security

STANDARD: THE AREA MANAGES ITS BUILDINGS, EQUIPMENT AND SECURITY EFFECTIVELY

- 10.16 We are satisfied that the Area was managing its buildings, equipment and security effectively.

Partnership with Headquarters and the Service Centre

STANDARD: THE AREA HAS A GOOD WORKING PARTNERSHIP WITH HEADQUARTERS DEPARTMENTS AND THE SERVICE CENTRE

- 10.17 The Area has a good relationship with CPS Headquarters Departments. Where appropriate it has used assistance, for instance from Management Audit Services (MAS) for business excellence events, and also had some workshops on co-location (facilitated by MAS).
- 10.18 It also has a good and effective working relationship with its Service Centre.

11. POLICY AND STRATEGY

KEY REQUIREMENT: THE AREA HAS A CLEAR SENSE OF PURPOSE AND MANAGERS HAVE ESTABLISHED A RELEVANT DIRECTION FOR THE AREA, COMPLEMENTED BY RELEVANT POLICIES AND SUPPORTED BY PLANS, OBJECTIVE, TARGETS AND PROCESSES, AND MECHANISMS FOR REVIEW

Overview

- 11.1 Overall we are satisfied that the standards under this requirement are met and that managers had set an appropriate direction for the Area, with the relevant supporting plans.

Stakeholders

STANDARD: POLICY AND STRATEGY ARE BASED ON THE PRESENT AND FUTURE NEEDS, AND EXPECTATIONS, OF STAKEHOLDERS

- 11.2 Senior managers are aware of the changing needs and expectations of their stakeholders, and have a sufficiently wide, and forward-looking, focus to their strategy. There was evidence of an early awareness of the importance of the Local Criminal Justice Boards as a means of driving forward initiatives that cut across all CJS partners, and of the need to move quickly in response to the PSA targets. In addition to initiating inter-agency planning, the Area has also included its partners in consultations about its own plans.
- 11.3 There was a good level of awareness of the recommendations contained in various Inspectorate reports, and there had been some action taken to implement these locally.

Performance measurement

STANDARD: POLICY AND STRATEGY ARE BASED ON INFORMATION FROM PERFORMANCE MEASUREMENT, RESEARCH AND RELATED ACTIVITIES

- 11.4 The Area monitors changes to its workload and working patterns and plans accordingly. Further research on particular issues has been undertaken from time to time. For instance, the Area has given considerable thought to measuring the impact of not having a local set of chambers, and has implemented a strategy to try to address the difficulties.

Review

STANDARD: POLICY AND STRATEGY ARE DEVELOPED, REVIEWED AND UPDATED

- 11.5 Each of the units has its own plan, which is reviewed on a quarterly basis at team meetings. This process means that staff are kept up to date with developments, and are aware of where improvements need to be made, thereby ensuring that the document remains an effective working tool.

- 11.6 There was limited evidence that other plans and policy documents were subject to such formal review, although staff reported that this was sometimes undertaken in an informal manner.

Aspects for improvement

- * The Area should ensure that policy and strategy are formally reviewed on a regular basis.

Framework of key processes

STANDARD: POLICY AND STRATEGY ARE DEVELOPED THROUGH A FRAMEWORK OF KEY PROCESSES

- 11.7 We are satisfied that there is a sound foundation for the establishment of a framework of key processes in the Area. There are systems in place for induction, standards for most aspects of case handling, and the Area has a performance management system. A Business Development Group has been established to address areas for improvement in case administration, and to ensure consistency across the Area.

Communication and implementation

STANDARD: POLICY AND STRATEGY ARE COMMUNICATED AND IMPLEMENTED

- 11.8 Information pertaining to policy and strategy is well promulgated. All of the units had regular team meetings, and a summary of the management team meeting minutes was available to everyone, in a variety of forms. We found that staff had high levels of awareness on most of the key issues.
- 11.9 Despite being well communicated, inspectors found that policy and strategy decisions were not always implemented, and on occasion issues were allowed to drift. For example, although a decision had been taken to increase caseworker involvement in committal preparation, at the time of our inspection lawyers were still undertaking the vast majority of this work.

12. PUBLIC CONFIDENCE

KEY REQUIREMENT:

- * THE AREA IS PROACTIVELY TAKING ACTION TO IMPROVE PUBLIC CONFIDENCE IN THE CJS AND CPS, AND MEASURES THE RESULTS OF ITS ACTIVITY
 - * RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES ARE MET
-

Overview

- 12.1 The Area has taken positive steps and initiatives to improve public confidence in, and awareness of, the CPS, and its performance in this respect is better than many other Areas. Managers and staff have good awareness of equality and diversity issues, and adopt a positive attitude toward their involvement with the community.
- 12.2 There remain some aspects that are capable of improvement, in particular the Area's positive work to improve its standing in the community would benefit from adopting a more pro-active approach toward the media.
- 12.3 The Area has invoked a number of systems and innovations to improve its performance in relation to victims and witnesses, as well as with its criminal justice system partners. At present, full use is not being made of the systems, resulting in information either not being recorded or, where it is, not being properly evaluated and acted upon, where necessary.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO MINIMISE THE RISK OF DISSATISFACTION OF CUSTOMERS

- 12.4 In general, letters responding to complaints dealt with the issues raised, and responses were fully informed, but the tone and quality was sometimes dependent on the individual prosecutor dealing with the complaint.
- 12.5 The Area has a system in place to record and track complaints, and has a log to record complaints made by telephone. Responses to complaints are timely. The Area responded within time guidelines in all cases in 2001-02 and during the year to date in 2002-03.
- 12.6 The form used to record complaints has been revised recently to provide space to record whether a complaint was substantiated and what action, where appropriate, was taken. From our examination of the complaints log, it is apparent that these two sections are not being completed. Without this information it is difficult, if not impossible, for Area managers to properly evaluate any information that can be gained from the complaints, or identify any issues that need to be addressed.
- 12.7 CPS pamphlets giving guidance on complaints are available in witness rooms in all of the courts that we checked. There are also notice boards in the public areas of court buildings giving information generally about CPS.

Strengths

- * Letters in response to complaints are generally timely, of good standard, fully informed and deal with the issues raised.
- * Telephone complaints log is being used.

Aspects for improvement

- * The proper completion of the complaints record forms would enable Area managers to ascertain information that might be gained from the complaints, and identify issues that need to be addressed.

Minority ethnic communities

STANDARD: THE AREA ENSURES THAT HIGH CASEWORK STANDARDS ARE MAINTAINED IN CASES WITH A MINORITY ETHNIC DIMENSION IN ORDER TO INCREASE THE LEVEL OF CONFIDENCE FELT BY MINORITY ETHNIC COMMUNITIES IN THE CJS

- 12.8 Although we had some concerns about the handling of one case with a minority ethnic dimension, the remainder were dealt with correctly. Those cases that are racially aggravated or involve racist incidents are recorded in the racist incident monitoring system (RIMS).
- 12.9 However, the RIMS data is not consistently made available throughout the units – neither is the information consistently shared with the police. Area managers acknowledge that this aspect needs ‘revitalising’ and given more focus, to ensure that the cases continue to be dealt with properly, thus helping to increase the level of confidence in the local criminal justice system felt by minority ethnic communities.

Aspects for improvement

- * Dissemination of information and data recorded through the RIMS.

Community engagement

STANDARD: THE AREA HAS APPROPRIATE LEVELS OF ENGAGEMENT WITH THE COMMUNITY

- 12.10 The Area engaged with the Positive Action Training and Recruitment Agency (PATRA), which undertakes the recruitment and training of staff from an ethnic minority group. This required the commitment of significant time and resources from not only the Area’s management team, but also from individual members of staff who undertook the line management, supervision and support of the trainees. This partnership has resulted in the Area, as well as the CPS generally, gaining a higher profile within the local ethnic minority communities, and at the same time raised staff awareness of the issues involved. Both the Area and representatives of PATRA view the partnership as a successful one, and anticipate it being formally extended in due course.

- 12.11 The Area has been involved in other exercises to reach out to the local community, including giving presentations to local schools and colleges, including the local Royal School for the Deaf (one member of staff has been sponsored to learn British Sign Language) and displays at libraries. The Area also has contacts with Rape Crisis and Derby Access Group (disability group).
- 12.12 When dealing with some casework issues, the Area has broadened its approach to try to ensure that all appropriate groups are included. As an example of this, the Area domestic violence co-ordinator has taken steps to improve the Area's standing in relation to this category of offence. There has been involvement in setting up domestic violence forums with other agencies and groups, and regular attendance at local authority forums, at city and county level.
- 12.13 The Area has undertaken a lot of work in preparation for its application for Chartermark accreditation. This has had to be put on hold, through no fault of the Area, and an application will be submitted during the course of the calendar year.
- 12.14 There is, at present, limited contact with the local Race Equality Council and benefits could be obtained from greater engagement.

Strengths

- * Overall, the Area has a positive and proactive approach to engaging with the community, resulting in some significant successes.
- * The work undertaken in connection with the Area's application for Chartermark accreditation.

Aspects for improvement

- * Benefits could be obtained from greater engagement with the Race Equality Council.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.15 The Area's relationship with the media can be reactive in nature, in contrast to its positive approach to other means of engaging with the community. The general standing of the Area could be improved by adopting a more proactive approach with the media, with a view to ensuring that the Area's successes are highlighted and brought to the attention of a larger audience.

Aspects for improvement

- * The Area's relationship with the media.

Public confidence

STANDARD: PUBLIC CONFIDENCE IN THE CJS IS MEASURED, EVALUATED AND ACTION TAKEN AS A RESULT

- 12.16 It is often difficult to measure accurately issues such as public confidence in the CPS, but the Area acknowledges the need to measure ‘customer satisfaction’, and to ensure that the findings are properly evaluated and acted upon.
- 12.17 There has been regular liaison, feedback and, where appropriate, follow-up action in respect of the engagement with PATRA, but in other respects there is only limited evidence to show that steps have been taken either to measure public confidence or, equally importantly, to evaluate any findings.
- 12.18 The Area invites prosecution witnesses to complete comment cards, and we were told that surveys are held from time to time. It appears that a high proportion of the witness comment cards are returned completed to the Area. Responses are said to be generally positive. There needs to be systematic evaluation and a proper system to ensure that the findings are properly disseminated to staff and acted upon.

Strengths

- * The extent of liaison and review of participation in the PATRA scheme.

Aspects for improvement

- * Effective collation and analysis of information obtained from witness comment cards, surveys or other sources of feed-back from the public.

13. LEADERSHIP AND GOVERNANCE

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

Overview

- 13.1 The Area benefits from having a clear vision, which is well communicated and understood. In general, staff understand the direction in which the Area wishes to proceed, and are aware how they make a contribution to this.
- 13.2 No co-location has been achieved with the police. However, early thought has been given to the implementation of the recommendations from the Auld Report regarding pre-charge advice, and one prosecutor is based in a police station.
- 13.3 Cordial relations exist with CJS partners and these could be built on to secure a greater focus on achieving specific outcomes.

Vision and values

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

- 13.4 The Area has developed, and effectively communicated, a clear vision which supports the CPS Corporate Plan. This is developed in the Area Business Plan, which is, in turn, supported by unit plans. Individual staff members are clear how their Forward Job Plans and personal objectives contribute to the overall aim of the CPS. A clear visual representation of these links has been created, and displayed on office noticeboards.

Strengths

- * The development of, and communication of, a clear vision.

Staff recognition

STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF

- 13.5 Senior managers are viewed as approachable, helpful and interested in the work of all staff. Individual and unit contributions are recognised by managers, and staff generally feel valued.

Strengths

- * The CCP and ABM have held meetings with staff (individually, and with a group of new starters) in order to get feedback on their experiences, and discuss suggestions for improvement.

Management structure

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

- 13.6 The Area made a smooth and timely transition into functional units in November 2000.
- 13.7 The Area management team now comprises the CCP, ABM, Unit Heads and Unit Business Managers. This relatively broad composition has assisted communication, and enabled greater involvement by all grades in strategic and operational delivery.

Organisational structure

STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE ORGANISATIONAL STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES

- 13.8 In many respects, the Area has developed an effective organisational structure. However, there is clearly more work to be done to realise the benefits that are to be had by closer working with the police, both operationally and administratively. The Area and the police have been involved in positive negotiations for co-location in accordance with the Glidewell recommendations. A formal agreement was reached with the Chief Constable in 1999 to have units in Derby and Chesterfield, and a number of different options have been considered, including a joint (unsuccessful) bid for over eight million pounds for additional funding to secure appropriate building/s in which to co-locate. Co-location has yet to take place, and the Area sees the lack of suitable accommodation and sufficient funding as preventing further progress at this stage.
- 13.9 It is clear that there are real advantages to be had from working in closer proximity to the police. This is evidenced by the work, albeit limited in scope, that has taken place at Chesterfield, and that is planned in other parts of the county. These advantages need to be realised throughout Derbyshire. If the Area is to achieve the objective adopted nationally, senior managers will need to revisit these issues with vigour and, in the absence of significant additional funding, seek a more cost-effective solution, bearing in mind the recommendations in the Auld Report. It will be necessary to consider the widest possible range of options.

RECOMMENDATION

We recommend that the CCP drive forward the implementation of the Glidewell recommendations on co-location and joint working in the light of the charging initiative, considering a broader range of options.

Action plans

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

- 13.10 The Area has effective planning processes, involving a wide-range of staff. Plans are regularly reviewed, responsibilities allocated, and timescales agreed. Representatives of the local criminal justice system agencies were invited to participate in this year's self-assessment exercises and to make an effective contribution to Area planning.

Strengths

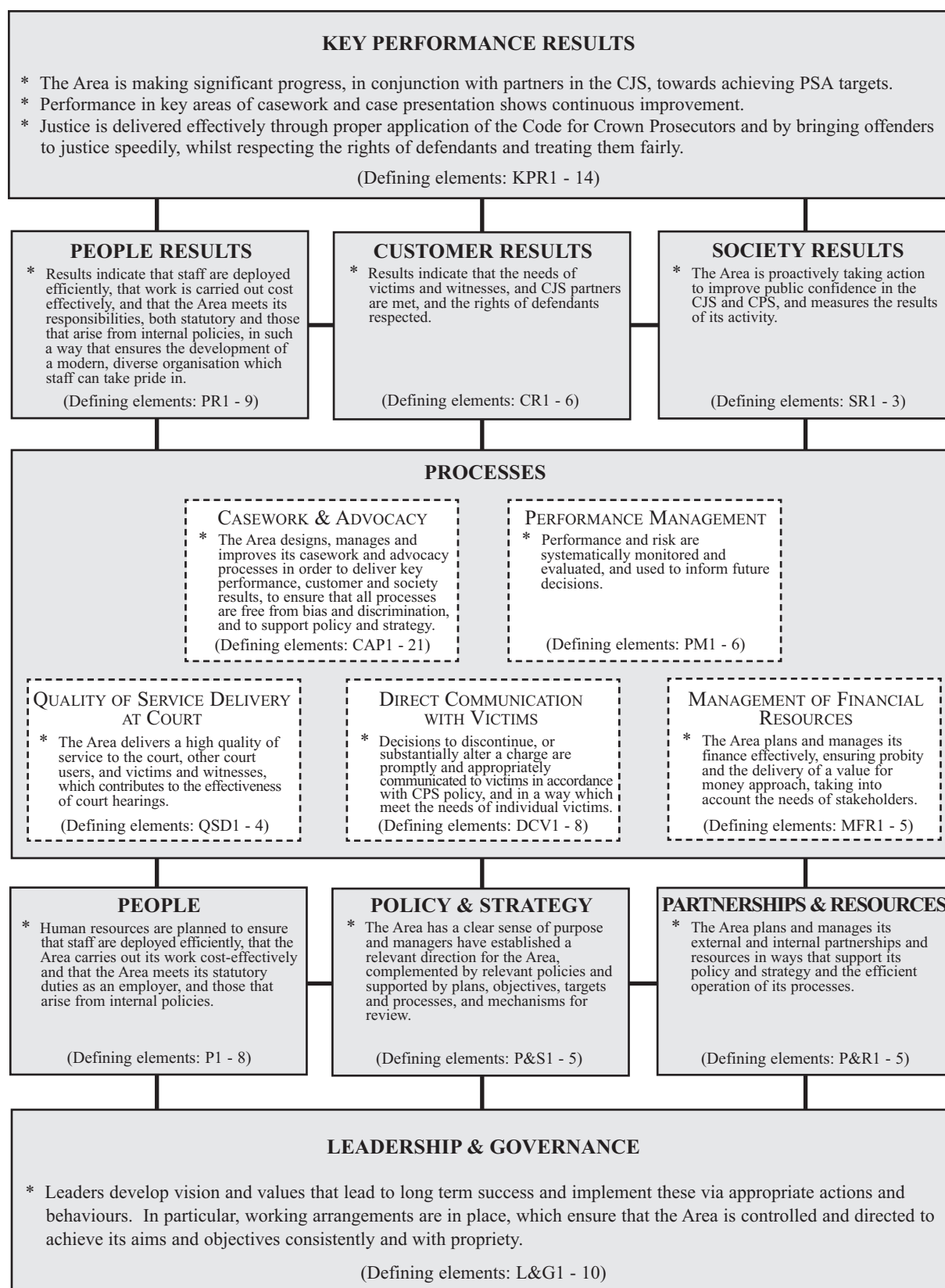
- * Effective planning processes, involving a cross section of staff and representatives from partners in the CJS.

Criminal justice system co-operation

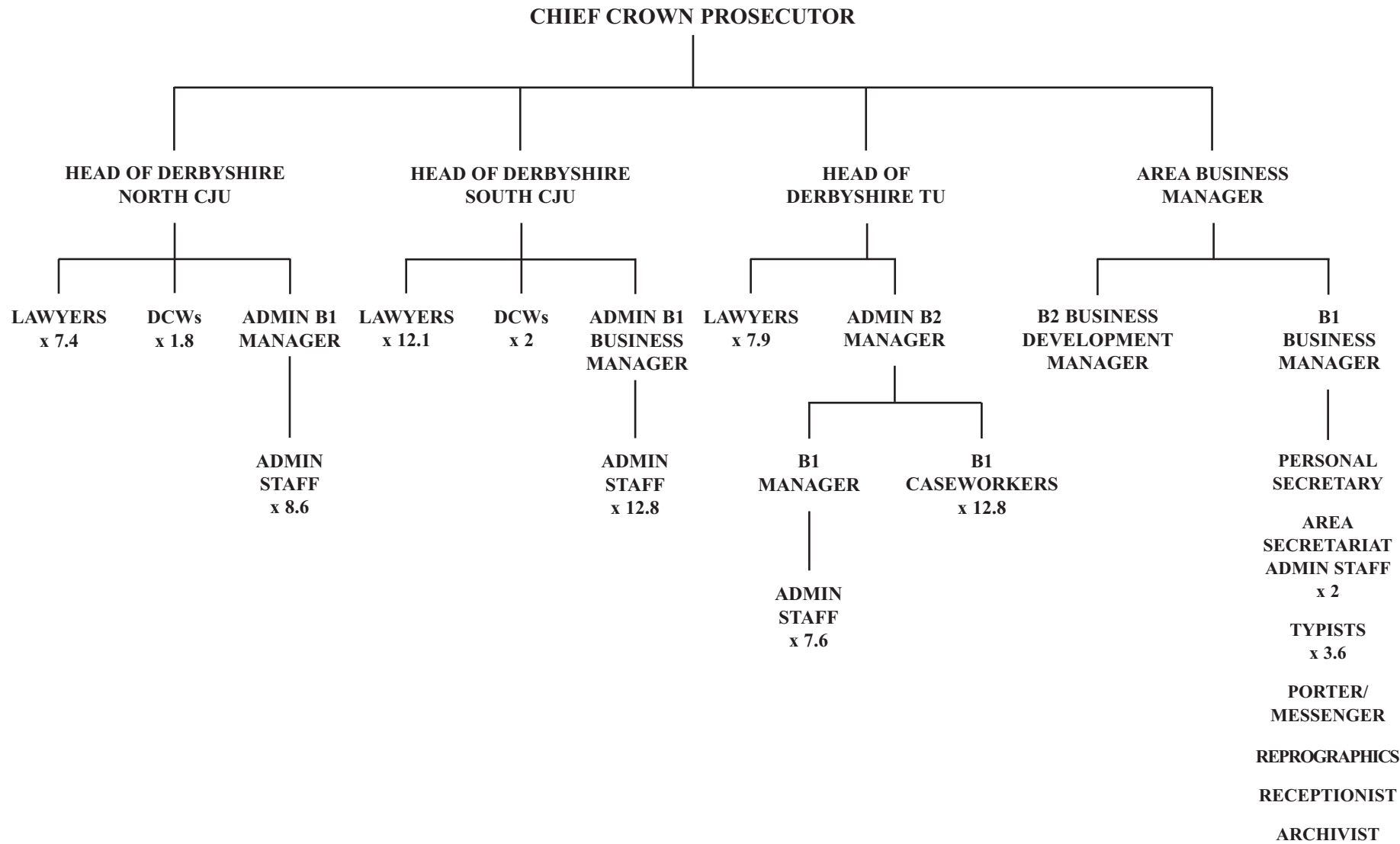
STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM

- 13.11 Relations with other CJS partners are cordial and there is now a need to make them more effective, and also a need to improve effectiveness at an operational level, for example, at Court User Group meetings and JPM meetings with the police. The Local Criminal Justice Board should provide an effective forum to progress issues at a strategic level and the CCP is to be the first chairman.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS DERBYSHIRE STAFF STRUCTURE



ANNEX 3

Types of case - Magistrates' Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Advice	1,026	4.9	52,748	3.8
Summary motoring	5,903	28.1	517,123	36.8
Summary non-motoring	3,944	18.8	263,225	18.8
Either way & indictable	10,148	48.3	561,153	40.0
Other proceedings	0	0.0	9,568	0.7
Total	21,021	100	1,403,817	100

Completed cases - Magistrates' Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Hearings	15,391	77.0	969,390	72.3
Discontinuances	2,002	10.0	173,020	12.9
Committals	1,629	8.1	91,789	6.8
Other disposals	973	4.9	107,291	8.0
Total	19,995	100	1,341,490	100

Case results - Magistrates' Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	12,068	77.6	801,191	82.2
Proofs in absence	2,243	14.4	117,115	12.0
Convictions after trial	891	5.7	38,823	4.0
Acquittals: after trial	335	2.2	15,268	1.6
Acquittals: no case to answer	24	0.2	1,696	0.2
Total	15,561	100	974,093	100

Types of case - Crown Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Indictable only	541	20.2	36,510	29.8
Either way: defence election	114	4.3	14,759	12.1
Either way: magistrates' direction	1,152	43.0	39,248	32.1
Summary: appeals; committals for sentence	873	32.6	31,906	26.1
Total	2,680	100	122,423	100

Completed cases - Crown Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	1,537	85.1	74,340	82.1
Cases not proceeded with	204	11.3	12,911	14.3
Bind overs	35	1.9	1,383	1.5
Other disposals	31	1.7	1,882	2.1
Total	1,807	100	90,516	100

Case results - Crown Court

	CPS Derbyshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	1,270	81.2	55,944	73.8
Convictions after trial	181	11.6	11,951	15.8
Jury acquittals	88	5.6	6,473	8.5
Judge directed acquittals	26	1.7	1,470	1.9
Total	1,565	100	75,838	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS DERBYSHIRE		
	September 2002	September 2000
Number of lawyer SIP (excluding CCP)	30.7	27
Cases per lawyer (excluding CCP)	684	777.4
Magistrates' court contests per lawyer (excluding CCP)	41	51.96
Committals per lawyer (excluding CCP)	53	50.6
Crown Court trials per lawyer (excluding CCP)	9.6	8.96
Number of B1, B2 & B3 caseworkers in post (excluding ABM)	22.1	17.1
Committals per caseworker (B1, B2)	73.7	79.8
Crown Court trials per caseworker (B1, B2)	13.3	14.2
Non ring fenced running costs	£3,781,262	£2,578,450

N.B. Caseload data represents an annual figure for each relevant member of staff.

**IMPLEMENTATION OF RECOMMENDATIONS/SUGGESTIONS FROM REPORT
PUBLISHED IN SEPTEMBER 2000**

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R1	The BCP and PTLs should ensure that advice is provided within 14 days of receipt wherever possible, and that where this target cannot be met the reviewing lawyer liaises with the police to agree an appropriate timescale.	Timeliness of advice needs to be improved, especially in the TU, although the average delay has reduced.
R2	PTLs should ensure that all lawyers carry out timely, full and effective review of summary trials and committals, and that they endorse their analysis of the case on the file.	The timeliness and effectiveness of summary trial and committal review is still an issue, and is the subject of a recommendation.
R3	The DMT should review the Area's handling of unused material to ensure that: <ul style="list-style-type: none"> * lawyers ask for proper descriptions of material; * primary disclosure is made at the appropriate stage in all cases; * the MG6C and MG6D are properly completed by the reviewing lawyer; * details of witness convictions are obtained and disclosed; * papers relating to disclosure are kept together in the file. 	Some action has been taken (joint training with police; desk instructions for TU; schedules now being endorsed by lawyers; and witness previous convictions are now being dealt with appropriately). But disclosure is still an issue, and is the subject of a recommendation.
R4	The DMT should seek to agree with the magistrates' courts a process of jointly monitoring the reasons for cracked and ineffective trials, and the timely sharing of data.	A national process of joint monitoring of cracked and ineffective data is now in place, but this has only recently been included in unit performance reports, and the data is not effectively analysed. Included in an overall recommendation relating to performance management.
R5	The DMT should take urgent steps to improve the quality of instructions to counsel.	The quality of instructions to counsel has improved significantly.

	RECOMMENDATIONS	POSITION IN JANUARY 2003
R6	The DMT should develop consistent and regular management checks of custody time limit procedures across all teams.	Some steps were taken to strengthen the custody time limit procedures, but a failure occurred in November 2002. Comprehensive desk instructions have now been issued – their monitoring is recommended.
R7	Lawyers giving notice of an application to extend custody time limits should endorse the file with specific instructions to the advocate about the reasons for the application.	Monthly checks taking place, results of which are included in unit performance reports.
R8	The DMT should examine the Area's use of case management plans to ensure that they are used effectively to agree the amount of work to be undertaken by counsel and to plan and monitor expenditure.	The quality of case management plans is subject to internal scrutiny, but further consideration still to be given following the introduction of the graduated fee scheme.
R9	A training needs analysis should be undertaken and used to develop a training plan for the Area. This together with the evaluation of training outcomes will provide the basis of an annual report suggested in the IiP assessment.	Achieved – there is a commitment to training and development, and training is properly evaluated and impact on performance noted.
R10	The DMT should ensure that the clear desk policy is fully implemented.	The clear desk policy has been partially implemented, but more work required in some units.
R11	The DMT should monitor the effectiveness of the Equality and Diversity Plan and should consider establishing a specific working group to do this.	Achieved. Equality and Diversity committee established - produces action plan. Issues identified are the subject of regular discussion and action, although no formal written review is undertaken.
	SUGGESTIONS	POSITION IN JANUARY 2003
S1	PTLs should satisfy themselves that the lawyers in their teams deal effectively with bail applications and should ensure that appropriate training is given where necessary.	No issues of concern re bail applications – included in the monitoring of advocates introduced to implement suggestion 7.

	SUGGESTIONS	POSITION IN JANUARY 2003
S2	The CCP, BCP and PTLs should ensure that the Area does all it can, including liaising with the magistrates' courts and the Crown Court, to ensure that child abuse and child witness cases are transferred to the Crown Court at the earliest opportunity.	Early transfer of child abuse cases was suspended by the CPS during 2002. Now reinstated – no issues and CPS policy generally correctly applied.
S3	The DMT should monitor the effectiveness of the witness phasing arrangements agreed with the magistrates' courts.	Witness phasing protocol has been agreed, and phasing introduced. Results evaluated early 2001.
S4	The BCP should seek to reach agreement with the Probation Service over joint monitoring of the timely provision by the CPS of information for pre-sentence reports.	Protocol agreed and joint monitoring of provision recently introduced.
S5	The DMT should provide guidance on file management and should monitor performance against that standard.	Guidance on file management provided and performance monitored.
S6	PTLs and office managers should ensure that post is appropriately prioritised and that management checks are in place to promote prompt attendance to correspondence.	Post handling has continued to cause delay. Desk instructions have recently been issued.
S7	The CCP should ensure that there is structured and effective monitoring of the performance of prosecuting advocates in the magistrates' courts and the Crown Court.	Monitoring of in-house advocates has been introduced in two out of three units. Formal monitoring of counsel in the Crown Court is undertaken.

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

	Number of files examined
File sample CJUs	
Advice	10
Cases subject to custody time limits	10
Cracked trials (guilty pleas)	13
Discontinued cases	41
Domestic violence	(19)
Magistrates' courts trials and sensitive guilty pleas	36
No case to answer	7
Race crime	(12)
Youth trials	11
File sample TU	
Advice	5
Cases subject to custody time limits	5
Committals discharged not ready	2
Cracked trials (guilty pleas)	9
Crown Court trials and sensitive guilty pleas	15
Domestic violence	(7)
Judge directed acquittals	4
Judge ordered acquittals	20
Race crime	(1)
TOTAL	188

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

Judge

His Honour Judge Wait

Magistrates' Courts

Mrs J Alderson, District Judge (Magistrates' Court)

Mr J Friel, District Judge (Magistrates' Court)

Mr D Holtom JP, Chairman of Derbyshire Magistrates' Court Committee

Mrs S Wassell JP, Derby Magistrates' Court

Mr G Fowler, Justices' Chief Executive

Mr N Hallam, Clerk to the Justices

Mrs A Watts, Director of Legal Services

Police

Mr D Coleman, Chief Constable

Superintendent C Hinkley

Detective Chief Superintendent D Gee

Chief Superintendent C Bowler

Mrs A Glossop, Departmental Manager, Administration of Justice

Mrs S Webb, Head of Administration of Justice Unit

Defence Solicitors

Mr J Bunting

Mr A Cash

Mr J Taaffe

Counsel

Mr G Dickinson

Probation Service

Dr S Goode, Chief Probation Officer

Witness Service

Mrs M Booth, Co-ordinator

Mrs A Jones

Mr K Nicholson, Co-ordinator

Local Crime and Disorder Partnership

Ms L Harris

Mr P May

Victim Support

Ms H Scatherd

Youth Offending Service

Mr R Smith

Ms S Ward

Community Groups

Mr J Dickens, Careers Co-ordinator for Chellaston School

Ms J Kang, Project Manager of Derby Rape Crisis

Ms R Kerry, Careers Co-ordinator for Derby Moore Community School

Ms U Wisdom, Training Manager of Positive Action Training and Recruitment Agency

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.

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
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, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA CRIMINAL JUSTICE STRATEGY COMMITTEE (ACJSC)	A local forum for the heads of the criminal justice system agencies, including the resident judge, intended to oversee local initiatives at a senior level. In the course of being replaced by <i>Local Criminal Justice Boards</i>
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)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
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
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 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
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report

COMMITTAL	Procedure whereby a defendant in an <i>either way</i> case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates
COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
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 JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
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 <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE , Primary and Secondary	The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
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 <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated
EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCPSP conducts its inspections

EVIDENTIAL TEST	The initial test under <i>the Code</i> – 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 - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
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/or the CPS, aimed at securing improvements in performance
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, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY courts, reviews etc	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
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
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

PUBLIC INTEREST TEST	The second test under <i>the Code</i> - 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 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 <i>indictable only</i> cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates
SENSITIVE MATERIAL	Any relevant material in a police investigative file not forming part of the case against the defendant, the <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
STRENGTHS	Work done consistently to a proper, professional standard
SUMMARY OFFENCES	Those triable only in the magistrates' courts, e.g. most motoring offences
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court