

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

REPORT 14/03

NOVEMBER 2003

CPS DORSET



AREA OFFICE

Bournemouth

MAGISTRATES' COURTS

Blandford, Bournemouth, Bridport

Dorchester, Poole, Sherborne

Wareham, Weymouth, Wimborne

CROWN COURTS

Bournemouth

Dorchester

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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 and Policy Directorate within CPS Headquarters. A limited amount of re-inspection was also undertaken. The second cycle of inspections is now well advanced. Some significant changes have been made in 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 join the process as lay

inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its 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 carries out inspections 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. The definitions of these terms may be found in the glossary at Annex 9.

During the second cycle of inspections, a database has been built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first eleven inspections. HMCPsi points out the care which must still 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 comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Dorset (the Area), which serves the area covered by the Dorset Constabulary. It has a single office at Bournemouth where all staff are based.
- 1.2 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Magistrates' Court Unit (MCU) is responsible for the conduct of all cases dealt with in the magistrates' courts. The Crown Court Unit (CCU) reviews and handles cases dealt with in the Crown Court. Both units are based at the office in Bournemouth where they are co-located alongside the police.
- 1.3 The Area Management Team (AMT) comprises the Chief Crown Prosecutor (CCP), the Area Business Manager (ABM), two Unit Heads, two Unit Business Managers and the Area Secretariat Manager. It meets monthly to consider Area business. Police managers may attend certain meetings where specific joint issues are being discussed.
- 1.4 At the time of the inspection in July 2003, the Area employed the equivalent of 52.3 full time staff. The Area Secretariat comprises the CCP, the ABM and the full-time equivalent of 2.9 other staff. Office Services had the full-time equivalent of 2.9 typing/reception staff. Details of staffing of the Units is set out below:

Grade	TU	MCU
Level D	1	1
Level C lawyers	3	13
Level B3 caseworkers	1	0
Level B2 caseworkers	0.9	1.8
Level B1 caseworkers	7.6	1
Level A caseworkers	3.6	10.6
TOTAL	17.1	27.4

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

- 1.5 Details of the Area's caseload in the year to March 2003 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	329	2.0	4.5
Summary motoring	8,831	53.0	36.7
Other summary	2,484	14.9	18.8
Either way and indictable only	5,007	30.1	39.4
Other proceedings	11	0.1	0.6
TOTAL	16,662	100%	100%

1.6 Details of the Area's Crown Court finalised cases in the year to March 2003 are:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	306	28.9	31.2
Either way offences	448	42.3	44.0
Appeals against conviction or sentence	129	12.2	9.2
Committals for sentence	176	16.6	15.6
TOTAL	1,059	100%	100%

1.7 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 Dorset (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff. The Area is also counting specified traffic offences (all guilty pleas) as part of its caseload, thus the number of cases per lawyer has increased even though the numbers of contested cases, and all other measures of caseload, have actually decreased.

Methodology and nature of the inspection

1.8 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.

1.9 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Dorset also drew on findings from the previous inspection of the Area, a report of which was published in May 2000. As a result of this risk assessment, it was determined that the inspection of CPS Dorset should be an intermediate one.

1.10 In the light of that, the inspection did not include consideration of Trial Unit advice and adverse cases.

1.11 Our previous report made a total of 17 recommendations and ten suggestions, as well as identifying six aspects of good practice. In the course of this inspection, we have assessed the extent to which the recommendations and suggestions have been implemented, and a synopsis is included at Annex 5.

- 1.12 Our methodology combined examination of 97 cases finalised between February and April 2003 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.
- 1.13 Inspectors visited the Area between 14-18 July 2003. The lay inspector for this inspection was Michael Gray, who is a volunteer for the Witness Service. 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 considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He 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 reported. He gave his time on a purely voluntary basis, and the Chief Inspector is grateful for his effort and assistance.
- 1.14 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 CPS Dorset is making a significant positive contribution to the local criminal justice system and has taken the lead in implementing a number of initiatives designed to secure improvements in public confidence. Co-location with the police has recently been successfully completed, although there remain areas of joint working where responsibilities need to be clarified. The Area is committed to ensuring access to justice by all sectors of the community: it has taken very well to its new role in Direct Communication with Victims and witness care is of a high standard. Examination of the file sample showed a very good performance overall and demonstrated sound decision-making in both units. This is a promising sign that the local shadow charging scheme, which was about to start at the time of our visit, will be a success.
- 2.2 In both units the quality of casework decision-making, as demonstrated in the performance tables under the headings of first review, discontinuance, level of charge and summary or committal review, was very good, being in almost all cases well above the national average. The Area also performed well under those headings which measure the extent to which value is added to cases, such as requests for additional evidence or information and amendment of charges. Case preparation in the Crown Court Unit was confident, efficient and pro-active. Briefs to counsel were a particular strength and they demonstrated a pleasing degree of case ownership and control. In the Magistrates' Court Unit, the previous report in May 2000 noted some weaknesses in relation to file management systems, pre-trial readiness checks, and case ownership generally, which have meant that the generally good quality of decisions is not always followed through to successful outcomes. These problems persist, and are associated with a high level of agent usage; it would currently be very unusual in the Area for the lawyer who had reviewed and/or prepared the case to prosecute that case at trial. We understand how some unavoidable uncertainty around the management of the Unit has contributed hitherto to a delay in tackling these issues. The major challenge for the Area is now to bring the work in this Unit consistently up to the level already seen in the Crown Court Unit. Charging, and the likely addition of three new trials courts in the Area, will stretch the deployment of lawyers, even though it is hoped to balance this by some new recruitment. On the other hand the participation in charging may provide the opportunity for some reinvigoration of case ownership in the MCU.
- 2.3 There is a good foundation for performance management, albeit a more focused approach would make the process significantly more effective. There are strong and collaborative relationships with partners in the criminal justice system. Financial management of costs is sound, but there are challenges around the completeness and integrity of performance indicators which require urgent attention.

Recommendations

- 2.4 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.

2.5 We have made five recommendations to help improve the Area's performance.

1. MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, scrutinises all pre-trial review files not being handled by CPS lawyers, both before and immediately after the pre-trial review, to ensure that agents are instructed fully, that the instructions have been carried out, and to take forward any necessary actions (paragraph 4.18).
2. MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, checks each file set down for trial to ensure that all necessary evidence has been obtained and that the evidential test continues to be met (paragraph 4.18).
3. MCU Head introduce effective systems to ensure that all files are tracked, reviewed and actioned at the appropriate time (paragraph 4.29).
4. The Casework Quality Assurance scheme is followed in both Units (paragraph 4.41).
5. The Area must stop including specified offences in performance indicators immediately. They should also clear the backlog of finalisations at the earliest opportunity (paragraph 9.6).

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 Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	100%	-	100%
Decisions complying with public interest test in the Code ¹	-	95.2%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.5%	-	96.9%
Decisions to proceed at first review complying with public interest test ¹	-	99.9%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	75.7%	-	91.3%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.6%	-	10.7%
Discontinued cases with timely discontinuances ¹	-	71.2%	-	82.1%
Decisions to discontinue complying with the evidential test ¹	-	91.3%	-	100%
Decisions to discontinue complying with the public interest test ¹	-	99.2%	-	85.7%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	84.6%	-	89.3%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.3%	-	100%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	96.6%	-	100%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Mar 03) 37.9%	-	(Jan-Mar 03) 31.25
Cracked trials in file sample that could have been avoided by CPS action ¹	-	23.3%	-	3 out of 7
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Oct-Mar 03) 30.4%	-	(Jan-Mar 03) 33.6%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- ⁴	-	Not sampled
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.8%	-	1%
Decisions to proceed to trial complying with the evidential test ¹	-	94.9%	-	94.7%
Decisions to proceed to summary trial complying with the public interest test ¹	-	100%	-	100%
Cases with timely summary trial review ¹	-	75.1%	-	100%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	71.2%	-	100%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	56.25%	-	1 out of 1

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	79.9%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	97.1%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	100%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	89.8%	-	100%
Timely and correct continuing review after committal	-	83%	-	100%
Cases with timely service of committal papers on defence	80%	78.7% ¹ 86.7% ³	82%	100% ¹ 93.8% ²
Cases with timely delivery of instructions to counsel	84%	83.5% ¹ 86.6% ³	89%	100% 85.8% ²
Instructions to counsel that were satisfactory ¹	-	61.3%	-	93.3%
Cracked and ineffective trials				
Cracked trials that could have been avoided by CPS action ¹	-	26.2%	-	0 out of 6
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	- ⁴	-	0 out of 2
Level of charge				
Charges that required amendment and were amended in a timely manner ¹		81.6%		100%
Indictments that required amendment ¹		28.3%		6.7%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.5%		100%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	20.5%	-	Not sampled
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.1%	-	12%

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

4 insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [updated quarterly]

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 Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		69.6%		94.1%
Cases where secondary disclosure properly handled ¹		70% (7 out of 10)		NA
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97.5%		100%
Trials where appropriate use made of the witness care measures ¹		81.3%		1 out of 1
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		85.5%		100%
Cases where secondary disclosure properly handled ¹		54.7%		83.3%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		77.3%		4 out of 4
Trials where appropriate use made of the witness care measures ¹		87.9%		6 out of 6
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	91%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.8%	100%	99.8%
Handling of complaints				
Complaints replied to within 10 days ²	94%	88.6%	95%	93.9%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	91.8%	100%	100%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2002-3)	9.6 days	17.54 days (2002-3)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) 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 (Jan-Dec 02)	71 days	65 days

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 [updated quarterly]

Commentary

- 3.1 These are impressive results. Particularly heartening was the performance on those tests that measure the extent to which CPS adds value to cases. In the magistrates' courts this covers requests for additional evidence at first review, amendments to police charges, and requests for additional evidence at summary review. In the Crown Court this covers requests for additional evidence at committal or at the time of service of the prosecution papers in section 51 cases, level of charge, correct indictments, foreseeability of judge ordered or judge directed acquittals. The Area's decisions to discontinue cases were all in accordance with the evidential test. Performance on disclosure in both units was also very good. On all these measures the Area is, on the basis of the file sample, performing well or very well, and often at a level substantially above the national average. However, as we explain later in the report, our on-site inspection revealed weaknesses in the systems operating in the MCU which mean that necessary decisions on some files are not always being taken in time or at all. Three out of seven of the cracked trials in the magistrates' court included in our sample could have been avoided by CPS action.

Advice to police

- 3.2 All pre-charge advice to police in our sample accorded with Code principles in relation to both the evidential and public interest tests. This equals or exceeds the national picture (100% evidential; 95.2% public interest) and is a good basis for success in the shadow charging scheme, which at the time of our visit the Area was about to introduce, with 12 lawyers participating on a rota basis.

Quality of decision-making

- 3.3 The Area's guilty plea rate is substantially above the national average in both the magistrates' court (88.7%/81.5%) and the Crown Court (73.5%/67.3%); the figure in the magistrates' court is, however, distorted by the number of specified traffic cases which the Area is currently prosecuting. The number of cases in which the magistrates found there was no case to answer is the same as the national average, and in the one case in our file sample the Area could have done more to avoid a foreseeable outcome. However in the Crown Court the rate for judge ordered acquittals (JOAs), (8.1%/14.2%), judge directed acquittals (JDAs) (1.7%/1.9%) and bind overs (0.3%/1.3%) are all better than the national average.
- 3.4 In general the quality of decision making is good in both units, although in the Magistrates' Court Unit inefficiencies in process meant that sometimes there was a failure to take necessary decisions at the appropriate time, coupled with some uncertainty as to who should be taking them: we deal with this in more detail in the chapter dealing with Casework and Advocacy Processes.

Continuing review

- 3.5 The figures for continuing review are good in both units as regards the file sample, although we were concerned that in some instances in the MCU, due mainly to a high incidence of agent use and a lack of file ownership, together with some inefficiencies in process, it was possible for continuing review to be overlooked after the pre-trial review stage (PTR).

Discontinuance

- 3.6 We agreed with all decisions to discontinue on evidential grounds. There were seven cases where the public interest test had become relevant, and we disagreed with the application of the test on one of those cases. Two of the cases in the discontinued sample should have been discontinued at first review but were not.

Level of charge

- 3.7 Charging standards had been correctly applied and trials proceeded at the correct level of charge in 100% of cases in the file sample in both the MCU and CCU.

Persistent young offenders

- 3.8 The Area's performance in relation to persistent young offenders (PYOs) had previously been within Government targets but in the last two years there has been some slippage, with the average figure reaching 98 days in the first quarter of 2003. This was anomalous, as the PYO cases in our file sample were identified and handled very well, and very expeditiously from first appearance to disposal. During our inspection the performance officer at the Local Criminal Justice Board identified problems with the way other agencies had been collecting the figures. The revised figures show that the Area met the Government target for 2002. Continued close attention will be needed to PYOs, however, as even after revision the results for the first quarter of this year have risen in excess of the 71 day target.

Persistent offenders

- 3.9 This is an area in which the Government, recognising that a high proportion of crime is committed by a comparatively few individuals, has recently set targets. The Area has a target of 1,496 offences by Persistent Offenders to be brought to justice this year, although in the first two months since the target was set, the results were disappointing in that only 32 such offences had been recorded as dealt with (see paragraph 3.11).

Cracked and ineffective trials

- 3.10 The ineffective trial rate in the Crown Court is better than average and there is a target to reduce it this year by 2%. The rate in the magistrates' court is, however, quite high and until recently had been steadily increasing to a maximum of 37.2%, though in the last quarter there was a reduction to 34%. Reasons for ineffectiveness as analysed by the magistrates' court reveal an unusually high proportion where lack of court time including lack of legal advisers was given as the reason. Failures on the part of the CPS were comparatively modest.

Narrowing the justice gap

- 3.11 This is a Government target designed to increase public confidence in the criminal justice system by ensuring that a higher proportion of those offences detected and charged are dealt with by the courts, and reduce case failures. In the areas of discontinuance, bind overs, adverse cases and acquittals the Area is performing well.

However, as with Persistent Offenders, meeting the target of increased offences brought to justice will be a considerable challenge against the background of a fall in the recorded crime rate in Dorset since the base line was set. This target is a purely numerical one and success or otherwise in achieving it is not necessarily related to the quality of effort put in by an Area.

Disclosure

- 3.12 The Area had been using a disclosure record sheet to record decisions about disclosure before its use became a national mandatory requirement, and this has assisted it to demonstrate a very good performance in both units. In the magistrates' court primary disclosure was properly made in all but one of 17 relevant cases (94.1%), though in three of those cases it was made late. In the Crown Court all primary disclosure was properly made and in time. We understood that at one time there had been problems with secondary disclosure but that this has improved recently. In all the relevant cases disclosure was dealt with in time, but in two cases out of 12 (16.7%), there was no evidence that it had been properly completed.

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 There is no doubt, as demonstrated by the file sample and performance indicators, that the Area is achieving good results in its casework. This applies particularly in the Crown Court Unit where, since the last inspection, the Area has made special efforts to improve its performance. Here a small number of lawyers handling a relatively small number of cases show commendably high levels of case ownership and control and very sound decision-making. The quality of briefs deserves to be singled out as outstanding, with full analyses of the evidence and the issues. Sensitive cases are dealt with well, and Direct Communication with Victims (DCV) was implemented in an exemplary manner.
- 4.2 The current challenge for the Area is to bring the work of the MCU up to the same level. In this Unit a larger number of lawyers handles a considerably larger volume of cases and despite the good showing on the file sample, we found, and the Area acknowledges, that there remain elements of inefficient working on both the legal and administrative side that, coupled with the high level of agent use and weak case ownership, means that the Unit is not currently performing to its potential. These have been compounded by teething problems arising out of the recent move to co-location and, prior to that, some unavoidable uncertainty around the leadership and direction of the Unit due to illness.
- 4.3 There is no doubt room for improvement by other agencies, but until these problems in the MCU are resolved, the Area will still have some way to go in making its full potential contribution to meeting the Government's PSA targets in Dorset, which are presently below expectation.

Advice to police

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

- 4.4 The Area's level of pre-charge advice cases (2%) has been very low, at less than half the national average (4.5% of caseload), and it was suggested to us during the course of the inspection that this may partly be explained by an under-recording of oral advices. We did not investigate this in greater detail because of the introduction of the shadow charging scheme, under which lawyers will give advice at the police station on all likely not guilty pleas for offences charged at Bournemouth, a scheme which it is anticipated will be extended to include the charging centres at Poole and Weymouth. Proper recording of advice given will be an essential feature of the scheme's operation.

- 4.5 We agreed with all five advice decisions in our file sample, which were all the result of appropriate requests for advice. In most cases the decision was fully explained, although the timeliness of response was variable and in two cases it was not possible to tell whether it was timely or not.
- 4.6 The allocation of advices is such that lawyers in the MCU may deal with indictable only matters, and there is no strict adherence to the principle of advice being given in relevant cases, for example rape, only by specialists; it is assumed that the lawyer will seek assistance where necessary. This practice can provide valuable experience for lawyers in the MCU, but the Unit Head will wish to ensure that the advice given in indictable only matters, and in sensitive cases where advice is not given by a specialist, is carefully monitored.

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)

- 4.7 Systems are in place to ensure that files for early first hearings (EFH) and early administrative hearings (EAH) on the following day are available to lawyers and designated caseworkers (DCWs), having been seen by a police file scrutineer who will have gathered any necessary ancillary papers, by 2pm. This part of the system is working reasonably well, although some 10% of files arrive after the cut-off time. Although it is a relatively small part of the caseload, there appears, however, to be no effective system for reviewing cases commenced by summons in non-specified matters.
- 4.8 The application of the evidential test in the Code for Crown Prosecutors was correct in 46 out of 48 cases, the two exceptions both being cases that were eventually discontinued and should not have been accepted at first hearing. One of those was accepted on the basis that it would be discontinued if the defendant pleaded not guilty, an approach which is wrong in principle. The public interest test was correctly applied in all relevant cases.
- 4.9 In ten out of 11 cases where it was appropriate to request further evidence or information a request was made, all amendments to charges were made in a timely manner, and the charging standard was correctly applied in all cases.
- 4.10 The quality of endorsement of reviews was variable, with some endorsements on magistrates' court white files being rather sketchy and sometimes confined to a series of acronyms e.g. "RPC" (realistic prospect of conviction), "PI", "HR", with ticks against them. This, while it may cover the bare minimum, is unhelpful when another lawyer, as may frequently happen in Dorset, has to assimilate the file and understand the strengths and weaknesses of the case.

- 4.11 We were concerned to note the absence of CPS advocates at court on days when initial decisions on non-Narey cases needed to be taken by agents. This can mean either that agents take the decisions, which is outside the scope of their authority, or they do not get taken at all. We deal with this in more detail in the chapter Advocacy and Service Delivery at Court.

Discontinuances in magistrates' courts

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

- 4.12 We have already mentioned that two cases (out of 28) should not have been accepted at first review. We agreed with all the decisions to discontinue on evidential grounds, and disagreed with one decision on public interest grounds: this was a strong case of driving whilst disqualified, committed whilst on bail for a similar offence, which was dropped ostensibly due to pleas on other files. We could see no valid public interest reason for the decision as clearly the offence would not have attracted a small or nominal penalty, and the decision was not in accord with the drive to narrow the justice gap.
- 4.13 In seven out of eight relevant cases where it was necessary to ask for further evidence, such request was made, but we thought that in three of the discontinued cases the decision was premature and further evidence or information should have been sought first.
- 4.14 Of concern was that a quarter of the cases were discontinued on the day of trial, resulting in a cracked trial. One of those was due to a lack of proper preparation for trial, which would have ensured that the missing continuity evidence was obtained. In two other cases the decision to discontinue was made late, because CCTV evidence had not been viewed by the lawyer at the relevant time. We observed at court another case listed for trial, which had already been ineffective on a previous occasion, and where continuity evidence in respects of a hospital blood sample had been requested, that this was still unavailable and the case had to be discontinued.
- 4.15 There were good links to ensure that in each case a DCV letter was written to the victim explaining the outcome.

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

- 4.16 Many PTRs are handled by agents. One or two of these are former CPS employees who understand the importance of full and accurate endorsements of files and the completion where necessary of file action forms. Other agents are less conscientious at these tasks, and not all cases are coming back to the allocated lawyer to check that the directions or other outstanding matters are progressed. Furthermore, though we understand that prior to co-location there was a system whereby a duty lawyer

checked the files for PTR and gave any necessary written instructions to agents before they were sent, the system is no longer operating. Now, a court appointed case progression officer checks for compliance with directions but the Unit does not carry out a trial readiness check by a lawyer close to the date of trial, to ensure that all necessary evidence, which has been requested, has in fact been gathered. There are particular problems with continuity and identification evidence.

- 4.17 This can result in cases being lost which should have been successful. For example we saw one case of possession of drugs where the allocated lawyer had made a request in correspondence for continuity to be admitted. This was not followed up at PTR, either by securing an admission or, when that was not forthcoming, by actioning the obtaining of the necessary evidence. Thus it was still outstanding on the date of trial and the defendant had to be acquitted. In another case the identification CCTV evidence was acknowledged to be weak but there was no further Code review before trial after the defendant declined an identification parade, which should have resulted in the case being discontinued. The issue is not that these points are being missed on a full file/summary trial review, but that there is no follow up to make sure that the evidence is actually available and in the proper form.
- 4.18 These weaknesses were identified at the time of the last inspection and formed the basis for Recommendation 16 and Suggestions 4 and 5.

Aspects for improvement

- * Briefing of agents for PTRs.
- * Checking of agents' PTR files on return from court.
- * Trial readiness check by a lawyer to ensure that case still passes the evidential test and if possible to remedy it or discontinue.

RECOMMENDATION

- * **MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, scrutinises all PTR files not being handled by CPS lawyers, both before and immediately after the PTR, to ensure that agents are instructed fully, that the instructions have been carried out, and to take forward any necessary actions.**
- * **MCU Head to restore or introduce a system whereby either the lawyer allocated, or in their absence the duty lawyer, checks each file set down for trial to ensure that all necessary evidence has been obtained and that the evidential test continues to be met.**

Committal and Crown Court case preparation

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

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

- 4.19 Area statistics show that 93.8% of cases are served on time, which is both above the Area’s target and the national average. In general, compliance with directions given at PDHs is good: whilst failures are not unknown (and one was included in our file sample) they are considered a rarity. Crown Court ineffective trial rates are not high, but we consider that there is scope for extending Higher Court Advocate (HCA) coverage of PDHs, particularly where counsel instructed cannot attend the hearing. At present only about 15% of such hearings are handled by the Area’s five HCAs, either in Dorchester or Bournemouth. There is particular scope at Dorchester, since it has only one courtroom. The experience of other Areas is that greater HCA coverage of PDHs makes these hearings more effective, with beneficial effect on the cracked and ineffective trial rate, the sparing of witness attendance, and on costs.
- 4.20 In Dorset lawyers in the CCU carry out a number of tasks that in other Areas are usually handled by caseworkers. This has some beneficial effects, for example the Area produces excellent and very full briefs to counsel which cover the evidence and issues in the case, the CPS lawyer’s view and reasoning, the current state of play so far as the obtaining of further evidence is concerned, and, in most cases, an indication as to the acceptability of possible pleas. The quality of the briefs is such that, for example, in one multi-count case of historical child abuse, the brief contained a very helpful analysis of the conduct which each count was intended to cover, and which, when the defendant entered guilty pleas, was explicitly used as the basis for counsel’s opening.

Strengths

- * The quality of counsel’s briefs.

Aspects for improvement

- * HCA coverage of PDHs.

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 In the magistrates' court primary disclosure was dealt with properly in 16 out of 17 cases (94.1% compared with 69.6% in the cycle to date) and was timely in 14. Sensitive material was dealt with appropriately in all six relevant cases. There were no defence statements served. In the Crown Court primary disclosure was dealt with properly and timeously in all cases (in the cycle to date the figure for primary disclosure properly dealt with in the Crown Court was 83.9%), and secondary disclosure was dealt with timeously in all cases. There were, however, two cases where we could not be satisfied that it had been properly dealt with, in one because there was no disclosure record sheet on file, in the other because, although the defence statement had been sent to police, there was no second MG6E form on file and this had not been chased up, nor any letter written to the defence. The figure of 83.3% of secondary disclosure properly handled still compares favourably with the cycle to date figure of 54.7%. There were a few other occasions in the file samples from both Units where the disclosure record sheet was present but had not been fully completed.
- 4.22 Primary disclosure is monitored in the Crown Court Unit by the Business Manager, and this is mentioned in the Certificate of Assurance as a way of ensuring that disclosure is full and timely; in view of our findings the Unit will wish to ensure that a formal check of secondary is also made. In the MCU the Business Manager had not been trained to carry out this function at the time of our visit, but it is intended that he should be so.

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

- 4.23 The CCU's caseload contains a high proportion of such cases, particularly rape and child abuse cases, and these were being very well handled, with good links with the Witness Service and effective use of special measures where required. There was also one homophobic attack, which was dealt with very well, in the magistrates' court, although through no fault of the Area the case took a long time to be finally heard.
- 4.24 In the magistrates' court we saw some robust handling of domestic violence cases, featuring particularly good and close working with the Domestic Violence Liaison Officer (DVLO). Verbal withdrawals are not accepted; in accordance with CPS policy victims are asked to make a retraction statement and the police are requested to investigate any suspicion of improper pressure. The Area is willing to use its power to summon witnesses to court to progress the prosecution.

- 4.25 The police had not always flagged up racist incident cases but the cases were identified by the Area, and dealt with according to CPS policy. Whether or not the court had taken the racial element into account when sentencing did not, however, feature in file endorsements.

Strengths

- * Handling of sensitive cases generally.

File/message handling

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

- 4.26 There are a number of inefficiencies in these procedures in the MCU, some relatively minor, which are nonetheless contributing to underperformance, despite a reduced caseload. These include lawyers not completing case tracking forms or file action forms correctly; delays in linking post; actioning of work on agents' files; files regularly not at court; files not proceeding to CCU when required; and witnesses not being warned despite the existence of a good system.
- 4.27 Some of these have been exacerbated by IT incompatibility after co-location, so that files are only registered and finalised on the CPS' own SCOPE system, whilst they have to be updated and tracked on the police ASU system; co-location adds to the number of places in which a file might be at any one time. Police staff have been trained on CPS work but in hindsight more could have been done. There is an agreed file and post movement system which in theory should work, but in practice is not always doing so. Although there is a system for dealing with agents' files when they arrive back from court, it is not always followed and is in any event essentially concerned with administrative matters. Thus it is possible for a file returning from an agent-conducted PTR not to be looked at again until the date of the trial, and in particular it is not seen by the allocated lawyer.
- 4.28 In addition, and as mentioned elsewhere, reliance is placed at various points in the process on a duty lawyer system, whereby the relevant files are placed in a rack for attention. At the time of our visit this was not working satisfactorily, with files accumulating for the duty lawyer to deal with but not being worked on. We noted that in one case a file which was due for court on 17 July was still present in the rack on 18 July, which had clearly not been taken to court, or reviewed.
- 4.29 We were pleased to note that at the time of our inspection a joint CPS/police review of systems was under way, taking advantage of the opportunities afforded by the introduction of the Compass case management system, and designed to achieve greater integration.

RECOMMENDATION

The MCU Head introduce effective systems to ensure that all files are tracked, reviewed and actioned at the appropriate time.

Custody time limits

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

- 4.30 Whilst on site in Dorset we examined five magistrates' court and five Crown Court cases to which custody time limits (CTLs) applied. The Area had a CTL failure in the MCU last year that was ascribed to a system failure and further training has been provided.
- 4.31 The MCU and CCU file jackets had the action dates written in the allocated printed sections of the files, with colour coding (green, blue and red) that corresponded to the diary entries. 'Custody Time Limit Applies' was always stamped in large red letters above these. The dates were correctly calculated on all files. This compares favourably with the 91% in our cycle to date.
- 4.32 The MCU and the CCU each had a large central CTL diary in which they entered three colour coded prescribed action dates. It was clear that the diaries were regularly checked and updated with results and extensions. The staff on the CCU admin unit had made their own table of pre-calculated action dates for Section 51 cases. This made them more efficient and their task easier. The nationally issued ready reckoner was used for the expiry date.
- 4.33 The B2 in the CCU makes weekly management checks on two files to reconcile them against the diary. Although this should have been replicated in the MCU, the task had been delegated but no one appeared clear as to who was responsible. This needs to be addressed to ensure that the Area complies with the 'Essential Action for Custody Time Limits' document and to ensure that their good work is maintained.

Joint action to improve casework

STANDARD: AREA HAS EFFECTIVE PROCESSES AND PARTNERSHIPS WITH OTHER AGENCIES TO IMPROVE TIMELINESS AND QUALITY OF CASEWORK REVIEW AND PREPARATION FOR BOTH MAGISTRATES' COURT AND CROWN COURT AND THAT PARTNERSHIP DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME

- 4.34 There are several respects in which listing practices in the magistrates' court do not assist or encourage efficiency of lawyer allocation for the Area, for example traffic courts mix specified and non-specified offences, requiring the CPS to be present in all; EFH cases being mixed with others, disabling the DCW from covering them; the lack of a central committing court. There are regular multi-agency meetings but to date limited progress has been made.

- 4.35 The Area’s managers are working with the Magistrates’ Court Service in relation to their policy on double-listing of cases, which is currently a major cause of ineffective trials. We understand that the practice should cease in October. This should ease the current difficulties, subject to the CPS being able to cover three additional trials courts. In addition, he has been pressing for some time for a reduction in the number of local venues, which would mean more CPS lawyers being able to handle more cases; this change is, however, unlikely to come about in the short term.

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

- 4.36 There have been occasional failures in the provision of information to the National Probation Service, but these are the exception rather than the rule. The relationship between the agencies is generally a good one and there is efficient co-operation.

Recording of case outcomes

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

- 4.37 The Area has a substantial backlog of unfinalised cases including some 700 warrants, although there have been recent efforts including overtime working to clear dead files. However, we were shown that some further misclassification had occurred during this process.
- 4.38 In addition, since the Area is handling specified traffic offences which could be dealt with by the police and the courts, without involvement of the CPS, there is a considerable volume of unnecessary administrative work currently being undertaken; we discuss this issue further in the chapter Management of Financial Resources.

Information on operational and legal issues

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

- 4.39 The Area is very good at communicating internally about operational and legal issues. Legal “Update” meetings are held every two months, which can equally be used to get operational messages across to staff, all of whom can attend. There are frequent bulletins issued by the CCP and ABM covering a variety of issues including legal ones.

Strengths

- * Internal communication of operational and legal issues.

Learning points

STANDARD: AREA HAS EFFECTIVE SYSTEMS IN PLACE TO IDENTIFY LEARNING POINTS FROM CASEWORK AND IMPLEMENT IMPROVEMENTS

- 4.40 The Area takes seriously the identification and dissemination of learning points. All adverse cases are reviewed by Unit Heads and lessons to learn are fed back in the Legal Update meetings or in the regular Area bulletins. The CCP prepares an annual report of all adverse cases deemed to be the fault of the prosecution (CPS and/or police) and this is published both to staff and to the police. The regular Legal Updates referred to in paragraph 4.39 are used to pass on a variety of information. Inspectorate reports are systematically reviewed for their relevance to Dorset and discussed at AMT. The CCP compiles and distributes a quarterly *Criminal Justice Newsletter* to all organisations/agencies working in the Dorset criminal justice system.
- 4.41 On the other hand, there is some way to go in implementing the Casework Quality Assurance system consistently in both Units; no dip-sampling of casework has yet been undertaken in the MCU at all.

Strengths

- * Systems for identifying and disseminating learning points from casework.

RECOMMENDATION

The Casework Quality Assurance scheme is followed in both Units.

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 WITNESSES, WHICH CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS

Overview

- 5.1 Quality of service in the Crown Court is good, though this could be improved further if the Area's HCAs were to cover more PDHs. So far as work in the magistrates' courts is concerned, over half of all sessions are conducted by agents, and almost all trials. Some agents, including all those who we observed on this inspection, appear regularly for the CPS and are experienced and competent, but some others are not so familiar with CPS or court procedures, and this is not assisting the Area's performance in the magistrates' courts. The Area's lawyers that we saw were competent in all respects, except for one lawyer who appeared to be not fully prepared.

Advocacy standards and monitoring

STANDARD: SELECTION AND MONITORING OF ADVOCATES IN MAGISTRATES' COURTS AND THE 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

- 5.2 The Area's four CCU lawyers are all HCAs, and cover preliminary hearings in the Crown Court, and some PDHs; we have commented already on the desirability of a higher proportion of these being covered in-house. HCA coverage is currently some two sessions per lawyer per month, which is not high. A duty HCA is on standby each day to cover preliminary hearings, which under section 51 of the Crime and Disorder Act 1998 may be listed on any day.
- 5.3 One HCA has conducted a trial in the Crown Court, and appeared for the Crown in the Court of Appeal when the defendant appealed against conviction. Previously lawyers in the CCU also conducted some trials in the magistrates' courts, but this practise has currently ceased with the suspension of arrangements for the rotation of staff between the MCU and the CCU. Subject to operational needs managers will wish to consider its resumption, both to strengthen performance in the magistrates' courts and to avoid de-skilling of CCU lawyers.
- 5.4 Agents are extensively used in the magistrates' courts to cover all types of hearing except Narey EAH cases. Two of the agents who are frequently used are former employees of the CPS, and one of those works five days a week in court. By contrast, CPS lawyers themselves cover a considerably smaller number of sessions and conducting trials has become "a thing of the past." We understand that there are plans for lawyers to identify and conduct a number of trials but these have not yet borne fruit.

- 5.5 Some agents have become experienced in CPS work and are competent advocates: the three that we saw were competent in all respects. However the number of agents sessions means that this quality is by no means uniform and a number of inexperienced agents are appearing, some of whom are not fully familiar with court procedures or CPS processes. The over use of agents will hamper efforts to narrow the justice gap. In addition, there are some recurrent problems with lateness at court, ill-preparedness, delays while instructions are taken, and completeness of endorsement. Thus the Area cannot currently be said to be delivering a consistently high quality of service in the magistrates' courts. The Area needs to revive a culture of case-ownership and case responsibility, which experience has shown is fostered when CPS lawyers attend court more frequently and, in particular, regularly conduct trials.
- 5.6 In the Crown Court Unit the Business Manager selects counsel for most cases and monitoring is carried out at court by caseworkers who complete a form, exercising particular attention in the case of new counsel. This helps to ensure that the quality of advocacy is maintained in the Crown Court, where we were satisfied that standards are high and there is no disparity between prosecution and defence.
- 5.7 Systematic monitoring did not take place last year in the magistrates' courts, although it is planned for the forthcoming year. In view of the variable quality of advocacy in the magistrates' courts, which is not confined to agents, managers will wish to ensure that this is resumed.

Aspects for improvement

- * CPS lawyers should be conducting more trials in the magistrates' courts.

Court endorsements

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

- 5.8 New guidance for agents is being drafted as an Agents' Information Pack, to include instruction on what is required by way of endorsement. The present standard of endorsement is variable and causes problems in updating and post-court work on those files. Since also it is a regular occurrence for files not to be at court, further problems are caused when no note of the hearing is made and returned.

Attendance at court

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

- 5.9 There are occasions when some CPS lawyers and agents do not arrive at the relevant magistrates' court in sufficient time to ensure that queries can be dealt with before the court sits. It is undesirable moreover that, as frequently happens, including in youth cases, there is no CPS lawyer present at a particular court when overnight cases come before the court. Agents then have to take decisions which are outside the scope of their authority.

- 5.10 In the Crown Court the Area aims at providing one to one coverage by caseworkers; about 90% coverage is actually achieved. Caseworkers are very experienced and provide a good level of support. Occasionally administrative staff are sent to court to cover cases as a development opportunity.

Aspects for improvement

- * Agents making some review decision outside the scope of their authority.

6 VICTIMS AND WITNESSES

KEY REQUIREMENTS:

- * 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 MEETS THE NEEDS OF INDIVIDUAL VICTIMS
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Overview

- 6.1 There is no doubt that the Area treats the needs of victims and witnesses with the appropriate seriousness and priority. Implementation of the initiative for Direct Communication with Victims has been a major success in Dorset. In the Crown Court the Area works closely and well with the Witness Service to identify those for whom special measures may be needed. In the magistrates' courts the Area was very supportive when the Witness Service was set up, though the systems for informing that organisation about special measures applications and discontinuances need attention.

Witnesses at court

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

- 6.2 In the Crown Court the Area's group of experienced caseworkers engage well with witnesses and the Witness Service and counsel see victims and witnesses where appropriate before the case is heard, and consult with victims if, for example, the acceptance of a plea to a lesser offence is being considered. In the magistrates' courts this is also generally the position, although there are some agents who are not so effective in communicating and consulting.
- 6.3 A weekly meeting takes place between the CPS, the Crown Court Listing Office, the Witness Service and the police, which includes briefing on future cases and forthcoming trials. There are also quarterly support group meetings with the Witness Service in both the Crown Court and the magistrates' courts.

Direct Communication with Victims

STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION TO VICTIMS

- 6.4 There is a clear and efficient system in place for identifying those cases with identifiable victims, ensuring that information on case progress is fed back from court and tracking the letters to victims, which are all written by lawyers. A thorough and helpful review was conducted by the CCP of the implementation of the scheme, which amongst other things gave good examples of letters. This was followed up by a very positive national review by external consultants. There are clear instructions on dealing with telephone calls from victims, with an updated log providing for notes to be kept of the call, with reference to the relevant lawyer if available, or a note for that lawyer to call back.

- 6.5 Together with the lay inspector we examined a number of such letters, having already seen some in the file sample. We were impressed with the quality of the letters, which included translations in appropriate cases into Bengali and Spanish. The Area has implemented the scheme in an exemplary manner.

Strengths

- * Implementation of DCV scheme and quality of letters.

Meetings with victims and relatives of victims

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

- 6.6 The Area offers meetings in appropriate circumstances and there are detailed and sensible procedures for dealing with such meetings. There have been a number of meetings in appropriate cases including fatal traffic accidents and rape cases.

Victims' Charter

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

- 6.7 The Area assisted in conducting a survey of witness opinion by means of questionnaires in April 2002. One of the main findings of the survey, which the Area was keen to disseminate to its CJS partners, was that dates set for trial were inconvenient and subject to change. Although the experience of giving evidence was on the whole not viewed in a positive light, this reflected an ongoing problem for the CJS in general rather than the CPS, to whom there was generally a favourable response.
- 6.8 Since co-location the Area has employed a Trials Progression Officer in the MCU who works with the police Victim Information Officer on witness issues. She is currently discussing with the magistrates' courts' Case Progression Officer means to make the listing of cases more convenient 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 devoted a substantial amount of effort and energy to collecting and distributing performance data. In their desire to be comprehensive in the volume of information available, they have lost a little in terms of focus, and have struggled to provide the data in a timely fashion. However, there is a good foundation for a solid performance management system, which can be made more effective with some relatively simple changes. Managers also need to ensure that they undertake the monitoring activity prescribed in Area plans.
- 7.2 The Area is pro-active in sharing performance information with other criminal justice agencies and interested stakeholders in the wider community.

Performance monitoring

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

- 7.3 The Area produces a very detailed performance pack for discussion at AMT. The information is drawn from a variety of sources, which when combined with the amount of information involved, has led to the pack being produced too late for effective use at AMT. Changes were being proposed at the time of the inspection to enable earlier production of some of the data, to facilitate managers having the opportunity to analyse and identify the key issues prior to their meetings. We consider that some of the information is of limited practical use, and that the pack would benefit from greater focus on the key issues affecting Dorset.
- 7.4 Performance information is disseminated to staff by the use of spreadsheets and graphs which are prominently displayed on notice boards. Information is also made available in other documentation, for example the ABM newsletter, and in meetings.
- 7.5 There are a number of management checks outlined in Area Business Plans, some of which are not being carried out to the prescribed frequency, for example the national Casework Quality Assurance programme. We have made a recommendation about this in chapter 4. The Area should review which checks are of greatest importance and ensure that these are carried out, with Plans amended accordingly.
- 7.6 Performance against CPS objectives is satisfactory, although the Area faces some challenges in achieving their PSA targets, particularly if the current trend of a reduction in recorded crime continues.

Strengths

- * The dissemination of performance data.

Aspects for improvement

- * Greater focus on key local issues.
- * Stronger and earlier analysis of data to identify actions necessary to improve performance where appropriate.

Joint performance management

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

- 7.7 The Area has worked well with the police to try and monitor and improve performance post co-location. There is a recognition that systems need improving and this is an integral aim of an ongoing review of procedures and roles to take account of the installation of the Compass case management system in September.
- 7.8 There is little enthusiasm for a formal full joint performance management (JPM) system to monitor the timeliness and quality of police files, as it is not deemed to be necessary with the current standard of files and the close co-operation with the police staff in adjoining rooms; there is, however, a Case Improvement Group which meets quarterly to discuss performance. We were satisfied that appropriate attention is paid to this issue with current performance levels.
- 7.9 Regular meetings are held with court representatives (magistrates and Crown) to examine ineffective trial data. While accepting that the incidence of CPS failings is not high, the overall performance in the magistrates' court has deteriorated over the previous 12 months. We were therefore pleased to see a slight improvement in the most recent quarter. We have commented elsewhere on the need for further negotiation with the court over listing.
- 7.10 The CCP includes information on performance in the quarterly *Criminal Justice Newsletter*, which is distributed throughout CJS agencies.

Strengths

- * Liaison with other agencies on performance issues.

Continuous improvement

STANDARD: THE AREA HAS DEVELOPED A CULTURE OF CONTINUOUS IMPROVEMENT

- 7.11 Managers are generally committed to the concept of continuous improvement. The enthusiasm for change among other staff is not universal and some would prefer a period of stability to consolidate the Area's position. Staff expressed the view that in preparing for major changes such as co-location and Compass, some day-to-day problems have not been effectively tackled.
- 7.12 Managers are aware of the Area's key problems, but are less confident as to how they can best be tackled. The CCP will want to ensure that the MCU managers, who are comparatively new to their roles, are provided with the support and guidance necessary to enable them to tackle the challenges of the coming year.

Accounting for performance

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 7.13 The Area has a wide range of information to enable it to account for its performance in general terms. However, we had serious concerns over the completeness and integrity of PIs, which we have addressed elsewhere in this report, which will be distorting some performance data.

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 Analysis of documentation (plans, minutes etc.) reviewed prior to the inspection indicated a strong performance in people management. The reality at the time of our visit was that some of the prescribed activities were not actually happening, although our findings were still mainly positive.
- 8.2 Communication is considered to be important in the Area, and, as such, significant effort goes in to keeping people informed. Training is also given high priority, although administrative staff feel that there is room for some improvements.
- 8.3 The Area has suffered from some staffing difficulties over the past year with unusually high long-term sickness levels, which are now reducing, and problems in recruitment. The Area believes the outlook is now more positive in both of these respects.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.4 Staffing levels are a regular feature of management meetings. The Area has experienced difficulties with staffing over the past year. Staff scheduled to join the Area dropped out at the last moment, and these and other vacancies have proved surprisingly difficult to fill; a recent recruitment campaign has identified two new lawyers. The Area considers that they still need a further three lawyers and plans are in place for a further campaign.
- 8.5 The Area is also looking at its administration structure and is looking to recruit someone to provide administrative support to the MCU managers, who both have heavy meeting commitments.
- 8.6 We have highlighted in the Financial Management section of this report the impact of specified offences and backlogs of finalisations on the funding of the Area. Managers will need to take this into account when planning future resources.

Staff structure

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

- 8.7 The CCU is a small, well running unit that, at the moment, is fairly independent of the MCU. In the past, a member of the MCU team would be temporarily attached to the CCU on a rostered basis, and in return CCU lawyers would cover some court sessions in the magistrates' courts. In effect there is no rotation between Units in place at the moment and managers will wish to review this situation as staff numbers increase.
- 8.8 As previously mentioned, the deployment of CPS prosecutors in court is not high in Dorset. The Area recognises that the current level of agent usage is undesirable, and plans to reduce their use as staffing numbers increase. We have some concerns that other commitments, for example the implementation of charging and Compass, may be allowed to stand in the way of this goal. The volume of work being processed is not high, particularly if one discounts specified offences, and the Area ought to be able cover a higher proportion of cases in house. Successful negotiations with the magistrates' courts over listing would improve the situation.
- 8.9 Administrative staff in the MCU have struggled, although it is not due to lack of resources, as there is an acceptance that they ought to be able to cope with the caseload. We have made a recommendation elsewhere as to the processes and systems which can be made 'smarter'. The practise of individually processing the multitude of specified offences is a major drawer on resources, and a lot of administrative staff time would be freed-up if they were not handled.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.10 A significant amount of time is devoted to training in Dorset, particularly for lawyers by means of regular Legal Update meetings. Formal training for lawyers is also considered to be positive in the Area, including the local adaptation and provision of national courses. The Area received a positive report from the Investors in People (IiP) assessors.
- 8.11 Although co-location has taken place, the computer systems of CPS and the police are different, and this has meant that processes are not as seamless as all would like. Training was provided to both CPS and police staff and detailed process maps were produced, though some staff felt the maps were not user-friendly.
- 8.12 Greater understanding of how processes interact would be helpful in driving performance, including why something is done as opposed to merely what should be done. As new systems are introduced managers will wish to ensure that administrative staff receive the appropriate training and coaching to help them fully understand the new procedures.

- 8.13 Knowledge of the SCOPE system is limited and may be contributing to the backlogs and inaccurate finalisations. It is vital, as part of the preparation for the implementation of Compass, that sufficient emphasis is given to training on the complete and timely finalisation of cases.

Strengths

- * Sustained commitment to high quality training for legal staff.

Performance review

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

- 8.14 Staff survey results indicate that most people are satisfied with the appraisal process. Both Units have a mixture of generic and team/personal objectives and plan to carry out interim reviews. The intended frequency of review will be higher in the MCU, which is sensible in light of the higher level of challenge and risk in the Unit.
- 8.15 There is little activity to monitor the performance of individuals at the present time: no monitoring of advocacy; limited use of the Casework Quality Assurance system; and little monitoring of efficiency – particularly with regard to the duty lawyer system. We received a lot of comment with regard to variation in the quantity and quality of work dependant on who was involved.

Aspects for improvement

- * The MCU managers need to develop more effective systems to ensure that all staff are contributing fully.

Management involvement

STANDARD: MANAGEMENT HAS AN EFFECTIVE DIALOGUE WITH STAFF AND FOSTERS A CLIMATE OF INVOLVEMENT

- 8.16 Managers try very hard to keep staff informed, using a variety of methods. While much of the information is in written form, there are also a number of meetings where views can be exchanged, albeit the frequency of such meetings is variable.
- 8.17 There is a slight risk in that the volume of written communications may lead to an ‘information overload’ and staff openly commented that they do not read all of the documentation. This is not uncommon in CPS Areas, although it tends to be more of a feature in large multi-site locations where face-to-face contact is more difficult.
- 8.18 There is evidence that staff are not regularly inclined to get involved, when given the chance to do so – an example would be the lack of feedback on the Business Plan which was circulated for staff input. Area managers will want to encourage more staff to get involved in planning and delivering Area strategies.

Strengths

- * The commitment to keep staff informed.

Good employment practice

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

- 8.19 The Area has a sound system to record and monitor sick absence. While the average number of sick days per person at 17.5 is almost twice the national target, this is due in large part to three long-term sick absences. This situation has now changed and more recent figures are more encouraging. The system monitors sickness at individual level and where appropriate, staff have been spoken to about high sickness levels.
- 8.20 There are well-known policies on annual leave and flexi time. Staff were generally happy with the systems, although we became aware of one instance with regard to management of flexi-time which had become an issue.
- 8.21 The Area conducts regular monthly health and safety checks the results of which are a standing item on AMT agendas.

Equality and diversity

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

- 8.22 We were satisfied with the Area approach to equality and diversity (E&D). The Area has an E&D Plan which is reviewed and updated on a quarterly basis. They also have a Disability Plan which is similarly reviewed. The workforce is representative of the local population (3.64% black and minority ethnic, in a local population of 2.72%).
- 8.23 The Area has a comparatively new Diversity Manager (she is also Communications Manager), who has yet to really take up the role, as she continues with her previous Secretariat responsibilities. The ABM will wish to ensure that she has objectives and priorities set in the near future so that she can effectively take up the role fully at the earliest opportunity.
- 8.24 As with many CPS Areas, a small number of staff reported that colleagues do not always treat them with appropriate respect. The Area had planned some follow up activity to the last staff survey including one-to-one meetings, but some of these remain outstanding.
- 8.25 We came across fewer examples of flexible working patterns in Dorset than we have normally encountered, although there was no suggestion that this was due to any reluctance by the Area to support such issues.

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 The Area has good systems to monitor and control its budget expenditure.
- 9.2 However, we were most disappointed to find that the Area were handling a substantial number of specified offences, which were being included in the performance indicators (PIs), contrary to CPS rules. The Area will have received substantial funding to which it is not entitled.
- 9.3 Conversely, there are large backlogs of case finalisations, and an under-recording of advices which would bolster funding if handled appropriately.

Adherence to financial guidelines

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

- 9.4 The inclusion of specified offences in performance indicators is contrary to CPS rules and should be stopped immediately. While it was not possible in the time available to ascertain the exact size of the problem, spot checks of some finalised cases indicated that as many as one third of the cases in traffic courts were specified proceedings. Not only is the Area claiming funding to which it is not entitled, but staff are expending significant effort in processing the cases, which is not an effective use of staff time.
- 9.5 There was still a substantial backlog of cases in the MCU awaiting finalisation, despite some hard work and the use of overtime to try and reduce the outstanding items. This will be affecting the Area's funding, and needs urgent attention, particularly in light of the imminent installation of Compass.
- 9.6 There had been some historical 'liberal' use of prosecution costs to fund agents in the magistrates' courts (account 3010). The Area has revised its policy and authority levels for the use of this account to come more in line with national guidelines. An examination of cases processed in May and June highlighted there is still a need for further vigilance, since some of them did not come within the relevant criteria.

RECOMMENDATION

The Area must stop including specified offences in PIs immediately. They should also clear the backlog of finalisations at the earliest opportunity.

Budgetary controls

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

- 9.7 Notwithstanding the points mentioned above, the systems to control running costs are good; indeed Dorset's resource accounting system has been shared with, and used by, some other CPS Areas.
- 9.8 Because of their confidence in controlling budgets the Area felt able to return £35,000 of funding to CPS Headquarters at mid-year review, on the basis that they were unlikely to be able to spend it effectively because of the difficulty of recruiting replacement staff. The Area still remained within budget. This demonstrates responsible financial management, in contrast to the matter of specified offences.

Strengths

- * The resource accounting package and budget controls.

Value for money approach

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

- 9.9 On the whole we were satisfied that the financial decision-making was sound, although we did discuss with local managers a few minor issues where the value for money consideration was marginal.
- 9.10 Our major concern relates to the excessive use of agents, who handle over 50% of magistrates' court sessions in Dorset – this has been discussed in greater detail elsewhere in the report.

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 is well respected among CJS agencies and plays a significant role in raising the profile of criminal justice issues within the community.
- 10.2 A significant amount of work was underway at the time of the inspection to prepare the Area for the implementation of the Compass case management system in September.

CJS partnerships

STANDARD: PARTNERSHIPS WITH OTHER CJS AGENCIES ARE DEVELOPED AND MANAGED

- 10.3 Partnerships with other agencies are strong and largely collaborative. Relationships with the police and Witness Service are particularly good. The CCP is personally heavily involved in partnership arrangements, but since the last inspection has widened the range of staff who are involved in partnership working.

Strengths

- * Working relationships with all agencies are consistently positive and collaborative at both operational and strategic level.

Improving local CJS performance

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

- 10.4 The CPS is heavily involved in meetings aimed at improving performance. The CCP is chair of the Local Criminal Justice Board (LCJB), which is accountable for the delivery against the Government's Public Service Agreement targets.
- 10.5 Other agencies are happy with the contribution of the CPS, although there are still rare occasions when tensions arise – usually caused by conflicting priorities of individual agencies. The LCJB Performance Officer is now in place and should prove a useful catalyst to help drive forward improvements across the CJS agencies. We understand some useful work has already been done with regard to PYO figures.

Information technology

STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY

- 10.6 One of the major frustrations of administrative staff in the MCU is the ‘need’ to use two separate IT systems to track the progress of a case, due to the current incompatibility of police and CPS technology. In practice this has not worked particularly well. While the introduction of Compass will bring some benefits it is will not solve all of the issues. The project team will want to ensure that effective training is afforded the appropriate importance for all relevant staff, in order to get maximum benefit from the new system.
- 10.7 Some sensible work has been carried out to improve general IT skills including formal external training and some in-house one-to-one coaching. Performance data is presented by means of a variety of graphs, requiring solid Microsoft Excel skills. There is scope to improve the use of technology to ensure that key messages are delivered to all relevant staff. Overall we were satisfied that the Area continues to improve its use of technology and is working diligently towards Compass implementation.

Buildings, equipment and security

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

- 10.8 The building has been refurbished and totally redesigned in light of the 50+ police staff who now share the premises following the co-location project. This has led to a lot of additional work for Secretariat staff as all accommodation issues are channelled through them, and not surprisingly, there have been a number of minor teething problems. Overall, staff were pleased with how well the co-location had been accomplished.
- 10.9 There were some concerns about air quality in the building, although a number of independent tests have all indicated that the quality is of an acceptable standard.

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, OBJECTIVES, TARGETS AND PROCESSES, AND MECHANISMS FOR REVIEW

Overview

- 11.1 The AMT has a clear sense of purpose and has plans in place to achieve their goals. A great deal of effort has gone into planning major initiatives including co-location, charging and Compass implementation. However, it appears that the considerable efforts in planning for the future have to some extent come at the expense of ‘business as usual’. While there have been some extenuating circumstances in terms of changes to management and staffing problems, there are some long standing problems which have not been effectively addressed. A number of activities detailed in the Area Business Plan and supporting documents have not been taking place as new priorities have taken precedence.
- 11.2 The Area has conducted reviews of plans and some of its major strategies, most notably DCV and an ongoing assessment of co-location. The review of DCV was the best seen so far by the team of inspectors who visited Dorset, and has been praised elsewhere in the report.
- 11.3 For the most part the Area has done well in ensuring that staff and other agencies are involved in, and informed of, plans and strategies. There has been some positive team working with other agencies to develop a joined up approach.
- 11.4 The implementation of strategies has been variable, excellent for DCV, but weak in terms of addressing some of the other issues touched on elsewhere in this report. We encountered some concerns that the newer initiatives are perceived to be a panacea for the Area’s difficulties and as such existing problems are left unresolved. Some issues highlighted in recommendations from the last inspection, particularly those related to summary trial preparation, remain.
- 11.5 As with many other small CPS Areas, responsibility for implementation tends to fall to a very small group of staff (usually managers and Secretariat) who suffer from conflicting pressures and priorities. The Area may wish to consider if some activities can be delegated to or shared with others with less pressure.

Aspects for improvement

- * Implementation of planned activities.

12 PUBLIC CONFIDENCE

KEY REQUIREMENTS:

- * 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, AND CJS PARTNERS ARE MET, AND THE RIGHTS OF DEFENDANTS RESPECTED
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Overview

- 12.1 CPS Dorset is committed to improving confidence in the criminal justice system and has taken a number of steps to inform the media and the community in general of its role within the system, raise its profile locally, and increase access to justice by minority groups. We have referred already to the excellent implementation of the initiative for Direct Communication with Victims and its participation in the witness survey in 2001, in which a leading role was taken in promulgating the results to other agencies. The Area is alert to the needs of minority communities, being keen to ensure, for example, that homophobic crime is dealt with properly and to develop relationships with such groups.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.2 The Area received about 40 complaints last year, some 93.9% being responded to in a timely fashion. The instances where a response was late were mainly due to difficulty in locating the file. Responses were full and complete, and free of jargon. They accepted where appropriate that the CPS could have done better, and offered an apology.

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

- 12.3 A comprehensive log of racist incident cases is maintained, and the Area's lawyers correctly identify racist incidents where, occasionally, the police have failed to do so. The cases are then tracked to see how they progress, and the results have recently been published in an annual bulletin compiled by the CCP which is circulated to other members of the CJS, and also to the local Racial Equality Council (REC). Examination of the two racial cases in the file sample did not suggest any lack of vigour in pursuing the racial element where appropriate.
- 12.4 Leaflets explaining that all those working in the CJS take racist offences very seriously, and encouraging victims of, and witnesses to, such incidents to report them are being drafted for issue to ethnic minority proprietors and employees of takeaway restaurants, where a high proportion of racial crime takes place, but is currently underreported. The CPS led the way amongst the other CJS agencies in giving support to the REC when it was set up. We have made a suggestion to the Area that the progress of ongoing cases with a racial aspect could also be shared with the REC as another measure to increase public confidence.

Strengths

- * Pro-active effort to ensure that there is awareness within the CJS of the needs of minority communities.

Safeguarding children

STANDARD: THE AREA SAFEGUARDS CHILDREN THROUGH ITS CASEWORK PERFORMANCE AND WORK WITH OTHER AGENCIES, INCLUDING THE AREA CHILD PROTECTION COMMITTEE(S)

- 12.5 We have already referred to the Area’s good performance in handling cases with child victims or witnesses. Lawyers are alert to the special needs of such children and, in addition to a full use of special measures provisions, a further initiative has been agreed with other members of the CJS whereby vulnerable and intimidated witnesses will be able to give evidence via TV link at a location remote from the court.

Community engagement

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

- 12.6 The Area’s Annual Report is more comprehensive and informative than most and is widely distributed. Contributions have also been made to local CJS publications and leaflets available to the general public. There is also a good programme for providing work experience, whereby some five or six young people are taken in each year for a period of three weeks.

Strengths

- * Quality and readability of the Annual Report.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.7 The Area has a Communication Manager. Information is routinely sent to local newspapers on Crown Court cases and there are regular press briefings. This approach has helped to secure some good press coverage on cases with positive outcomes. Some press releases have also been issued and used by the press in more general articles, for example concerning cases with a racial element.

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 is making a positive contribution to the development of the criminal justice system in Dorset. The CCP is chair of the LCJB and is well respected among colleagues in other agencies. The Area works hard with other agencies in driving towards the achievement of CJS targets, although there is still some way to go in attaining the desired performance results.
- 13.2 The Area is going through a year of substantial change with the implementation of co-location, charging and Compass all within a nine-month period. This is made more challenging by the fact that there is a very new management team in the MCU, with both managers taking up their current roles in the last few months.

Staff recognition

STANDARD: MANAGERS ACTIVELY MOTIVATE, RECOGNISE AND SUPPORT THEIR STAFF

- 13.3 The previous staff survey, surprisingly, indicated that there was a higher than normal level of stress in Dorset. In light of the current period of intense change being experienced, it was less surprising to find that morale was variable at the time of the inspection.
- 13.4 There is pressure on the MCU as a result of recent and forthcoming changes, and because there is room for improvement in their performance. We detected some tension among staff (and Units), which managers will wish to carefully monitor and address where necessary.
- 13.5 Despite the morale issues for some, we still found a high level of commitment among most staff.

Management structure

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

- 13.6 The Area has a cohesive management team. The culture is such that people feel very comfortable to speak up without fear of embarrassment or repercussions. AMT meetings are thought to be effective, although it is accepted that earlier production of performance information would enable greater focus on driving improvements.

- 13.7 There is a comparatively new management team in the MCU following the tragic death of the previous Unit Head and the resignation of the Business Manager. Clearly they will need support as they find their feet in their new roles. It is unfortunate that their appointments coincide with the major changes of charging and Compass implementation, which are taking a lot of their time, and restricting their ability to focus on the performance of the Unit.
- 13.8 There is a small Secretariat team to support the CCP and ABM and they have struggled to fulfil some of their core tasks as they get involved in major initiatives. The recently appointed Communications and Diversity Manager has as yet been unable to fully take on board her new role, as she is still involved with other work.

Organisational structure

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

- 13.9 Dorset has a standard ‘small’ Area two unit structure, each headed by a level D Unit Head. At the present time they operate alongside police staff which leads to some inefficiencies in processing. The Area is currently exploring the scope for greater integration.

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 development of comprehensive Business Plans is a feature in Dorset. The top line Area Business Plan (ABP) is supported by a detailed Action Plan which outlines timescales and responsibilities for delivery. The planning which underpins the implementation of Compass and charging has been impressive, although it remains to be seen if they can be successfully implemented. We encourage the Area to ensure that they carefully monitor the impact/success of the charging initiative.
- 13.11 While the plans are impressive in their content, they would benefit from greater prioritisation. They are ambitious in many ways and it is important that if planned actions are to be dropped/delayed, that these are the less critical issues. Prioritisation would also help with the review process, which is generally good in Dorset.
- 13.12 We were encouraged by the quality of the risk assessment included as part of the ABP.

Strengths

- * Comprehensive plans, many of which are reviewed quarterly.

Criminal justice system co-operation

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

- 13.13 The CCP is chair of the Local Criminal Justice Board. The Board have issued their delivery plans which outlines local targets and strategies to meet Government PSA targets. There are some challenges ahead, as early results are not good, although we were pleased to note some improvement in the very latest figures.
- 13.14 Co-location with the police took place early in 2003 and is viewed positively by both organisations. Co-operation is deemed to be good, with a collaborative approach to 'problem solving'. Ongoing reviews take place to see how the systems used by the police and CPS can be further integrated.
- 13.15 From a CPS perspective the listing of cases and the pattern of court sittings in Dorset is not ideal. There are regular meetings to discuss the matter, but little progress had been made at the time of the inspection. Plans were being discussed for three extra trial courts from October, which should reduce the incidence of double listing, and have a positive impact on the high ineffective trial rate that currently exists. Bearing in mind our recommendation over specified offences, the Area should review with the courts how traffic cases can be more efficiently handled, with maximum use of DCWs. We consider that there is scope for improvement in the efficient throughput of cases, which may require compromise from both organisations, particularly in light of the fact that their top line Government objectives are not necessarily fully aligned.

Strengths

- * Implementation and review of co-location.

Aspects for improvement

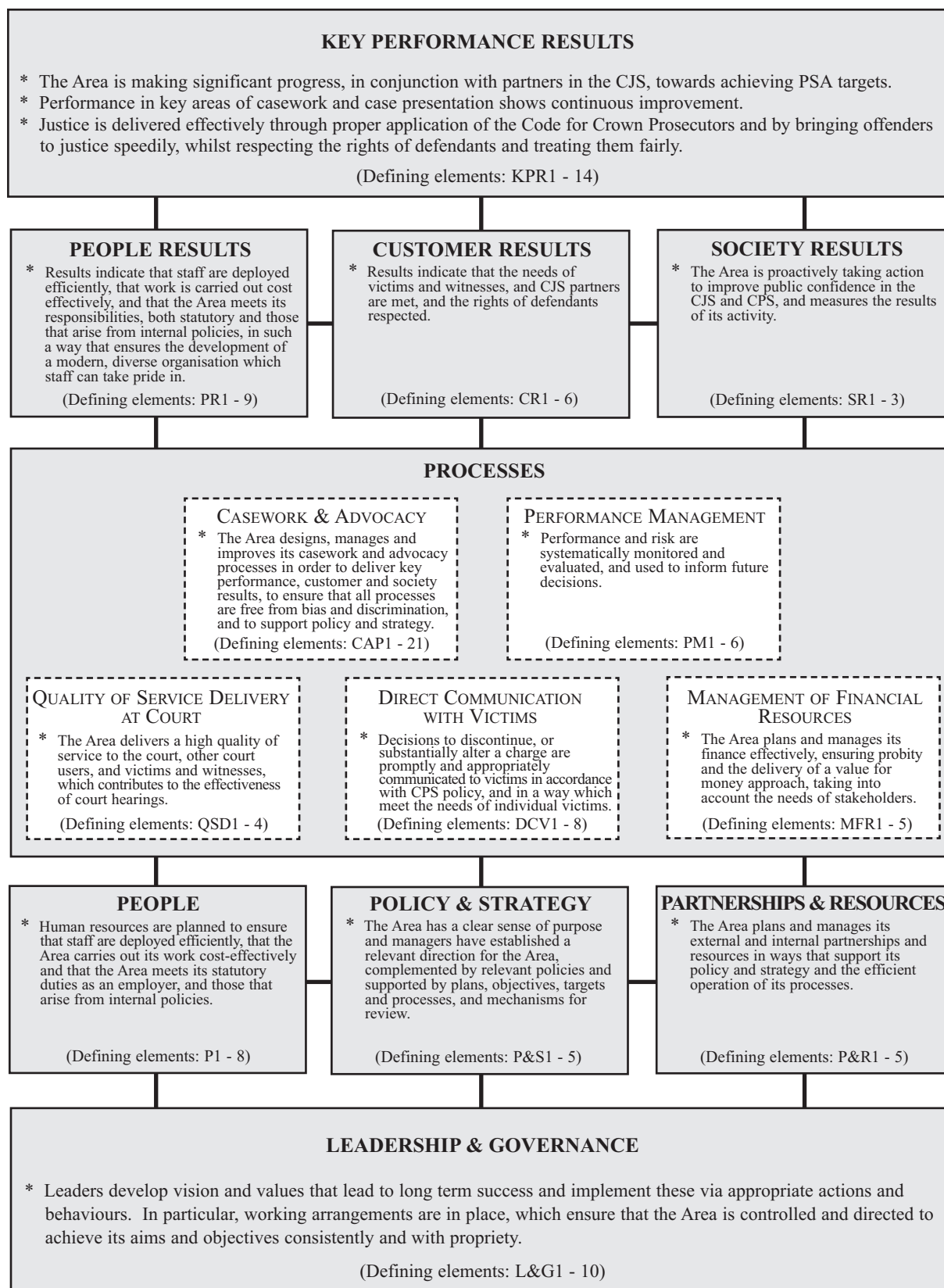
- * More effective negotiation with magistrates' court over listing/sessions.

Financial systems

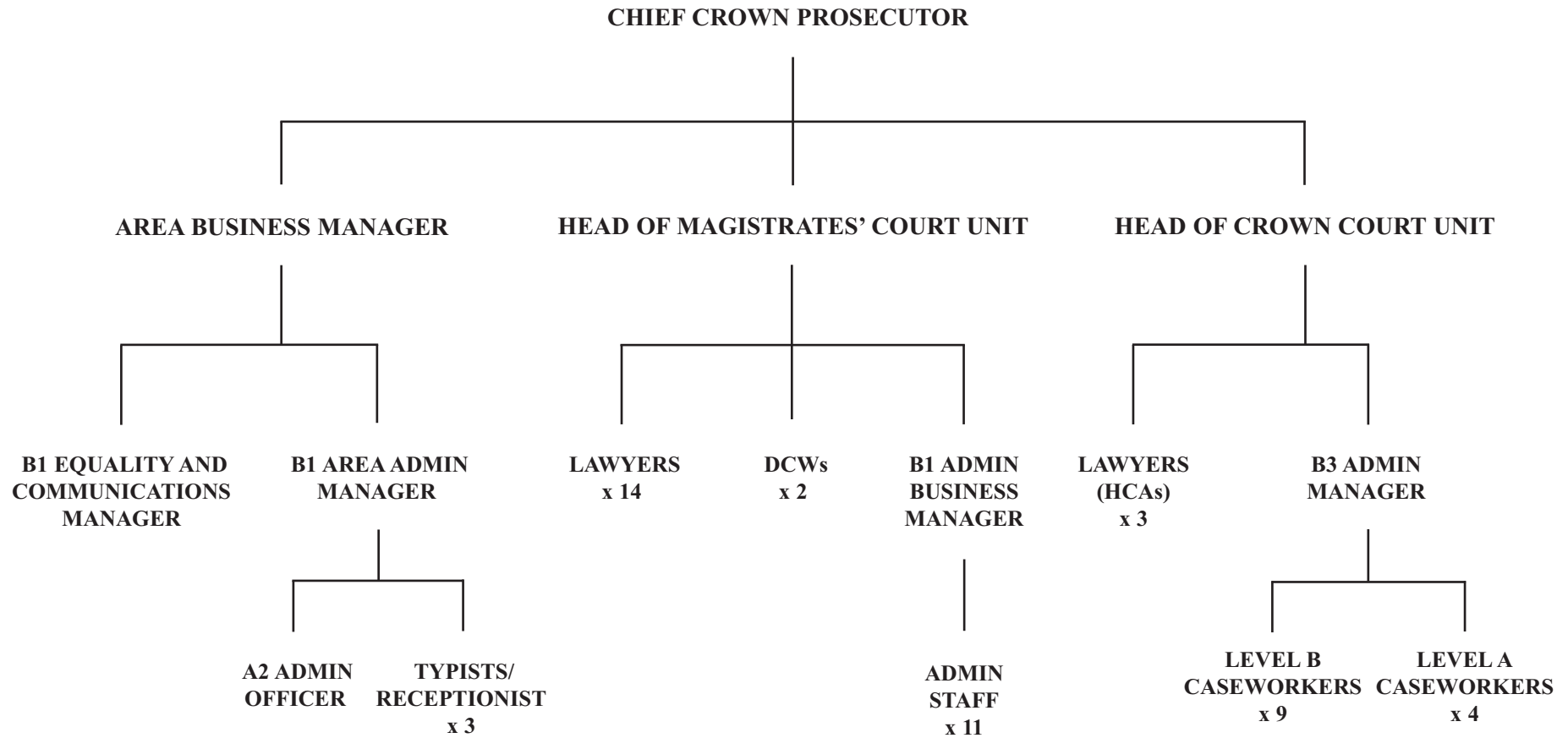
STANDARD: FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY ARE CLEARLY ESTABLISHED AND SYSTEMS ASSURE REGULARITY, PROPRIETY AND PROBITY IN THE MANAGEMENT OF PUBLIC MONEY

- 13.16 Although there is sound financial management overall, the management team must accept corporate responsibility for the problems already outlined with regard to specified offences. There has been ample information and reminders from Headquarters on this subject, and there is therefore no reason why it should still be a feature in Dorset. We have made a recommendation on this subject in the Financial Management section of this report.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS DORSET STAFF STRUCTURE



ANNEX 3

1. Magistrates' Court - Types of case	Dorset		National	
	Number	Percentage	Number	Percentage
Advice	329	2.0	64,456	4.5
Summary motoring	8,831	53.0	527,110	36.7
Summary non-motoring	2,484	14.9	269,632	18.8
Either way & indictable	5,007	30.1	565,570	39.4
Other proceedings	11	0.1	8,853	0.6
Total	16,662	100	1,435,621	100

2. Magistrates' Court - Completed cases	Dorset		National	
	Number	Percentage	Number	Percentage
Hearings	12,251	75.1	990,500	72.7
Discontinuances	1,747	10.7	172,072	12.6
Committals	731	4.5	92,649	6.8
Other disposals	1,593	9.8	107,091	7.9
Total	16,322	100	1,362,312	100

3. Magistrates' Court - Case results	Dorset		National	
	Number	Percentage	Number	Percentage
Guilty pleas	10,921	88.7	811,583	81.5
Proofs in absence	971	7.9	126,518	12.7
Convictions after trial	277	2.3	40,391	4.1
Acquittals: after trial	117	1.0	15,452	1.6
Acquittals: no case to answer	20	0.2	1,745	0.2
Total	12,306	100	995,689	100

4. Crown Court - Types of case	Dorset		National	
	Number	Percentage	Number	Percentage
Indictable only	306	28.9	39,221	31.2
Either way: defence election	142	13.4	15,051	12.0
Either way: magistrates' direction	306	28.9	40,274	32.0
Summary: appeals; committals for sentence	305	28.8	31,163	24.8
Total	1,059	100	125,709	100

5. Crown Court - Completed cases	Dorset		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	687	91.1	78,109	82.6
Cases not proceeded with	61	8.1	13,440	14.2
Bind overs	2	0.3	1,231	1.3
Other disposals	4	0.5	1,766	1.9
Total	754	100	94,546	100

6. Crown Court - Case results	Dorset		National	
	Number	Percentage	Number	Percentage
Guilty pleas	465	67.3	58,624	73.5
Convictions after trial	131	19.0	13,099	16.4
Jury acquittals	83	12.0	6,573	8.2
Judge directed acquittals	12	1.7	1,500	1.9
Total	691	100	79,796	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS DORSET		
	April 2003	April 2000
Lawyers in post (excluding CCP)	18	15.3
Cases per lawyer (excluding CCP) per year	925.7*	875.9
Magistrates' courts contested trials per lawyer (excluding CCP)	23	27.8
Committals for trial and "sent" cases per lawyer (excluding CCP)	40.6	45.9
Crown Court contested trials per lawyer (excluding CCP)	12.55	12.5
Level B1, B2, B3 caseworkers in post	14.2	9.7
Committals for trial and "sent" cases per caseworker	51.5	72.5
Crown Court contested trials per caseworker	15.9	19.8
Running costs (non ring fenced)	£2,382,000	£1,513,000

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

* The inclusion of a significant number of specified offences in the performance indicators will have distorted the data, inflating the figure for cases per lawyer in the current year.

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

	RECOMMENDATIONS	POSITION IN JULY 2003
R1	The CCP and the PTLs should effectively monitor the advice given by prosecutors to the police to ensure that the quality of advice is maintained at a high level.	No longer applicable. No monitoring takes place but the quality has improved and risk assessment does not suggest a current need for monitoring. Some advice files should, however, be examined as part of Casework Quality Assurance.
R2	The CCP and the PTL should implement an effective system to ensure that advice is provided to the police within 14 days (in all save the most substantial cases).	Partly achieved. A log is maintained with action dates; this is not always checked to ensure that action dates have not been passed.
R3	The CCP and the PTLs should effectively monitor initial and continuing review decisions, to check the quality of the review decisions, and to ensure that cases progress on the appropriate charges.	No longer applicable. No monitoring takes place. There is no current problem with appropriate charge or initial review but continuing review should be monitored as part of Casework Quality Assurance.
R4	The CCP and PTLs ensure that files relating to persistent young offenders are specifically identified and a system introduced to ensure that they are given appropriate priority.	Partly achieved. PYO files are usually successfully identified and prioritised in the Youth Court, but attention is needed that they are not missed in the adult court.
R5	Prosecutors and caseworkers make full records on the files of continuing reviews, decisions and reasons for those decisions.	Partly achieved. Endorsement of continuing review remain patchy, with some good performance and also some absence of endorsement.
R6	Prosecutors always request unused material schedules where they are missing before proceeding to trial.	Achieved. No current problems.
R7	Prosecutors at each relevant stage endorse their opinion as to whether any material revealed might undermine the prosecution case or assist the defence, and record the reasons for it, upon the record sheet.	Achieved. No current problems.

	RECOMMENDATIONS	POSITION IN JULY 2003
R8	Prosecutors examine all material that a Disclosure Officer draws to their attention as being potentially disclosable, and confer with the Disclosure Officer.	Achieved. No current problems.
R9	The CCP and the PTLs monitor the content of instructions to counsel to improve the standard, and to ensure that they contain an accurate summary of the case, identify and address the issues and, where applicable, address the acceptability of alternative pleas.	Achieved. A very significant improvement has been made and briefs are currently of a high standard.
R10	The CCP and PTLs take steps to improve the timeliness of the delivery of instructions to counsel, and ensure that priority is given to those cases involving child witnesses.	Achieved. No current problems. Child witness cases are well handled with the Area working well with counsel, the police and the Witness Service.
R11	The CCP should ensure that systems are in place so that lessons from amendments to indictments can be learned by prosecutors and caseworkers.	Achieved. These are now drafted by CCU lawyers and their quality is now well above the national average.
R12	Prosecutors from the Magistrates' Courts Unit should remain at the Crown Court after dealing with bail applications, wherever practicable, to provide assistance to caseworkers and instructions to counsel when pleas are tendered or problems arise.	No longer applicable.
R13	The CCP and other members of the AMT should examine the methods of communication used within the Area to ensure that there is effective communication between all members of staff.	Largely achieved. Significant progress has been made.
R14	The AMT should examine the organisational structure, and seek to build in clear responsibility for individual cases ('file ownership') by prosecutors and caseworkers where feasible.	Partially achieved. File ownership is a reality in the CCU but there has been no discernible improvement in the position in the MCU.

	RECOMMENDATIONS	POSITION IN JULY 2003
R15	The CCP and other members of the AMT should ensure that all key logs are accurately maintained and used effectively to assist in case management and the performance of the Area.	Largely achieved. Appropriate logs are now kept accurately but, for example, the advice log not always used to manage performance.
R16	The CCP ensures that there are systems in place to check all the necessary work has been done on agents' files before they are sent out, and that all available information is provided, to enable agents to prosecute the cases efficiently and effectively.	Not achieved. This remains a significant weakness for the Area.
R17	The AMT should ensure that all appropriate staff receive training in the recording of PIs, to ensure that accurate information is available to assist in the management of the Area.	Partly achieved. Problems remain with the accurate recording of PIs.
	SUGGESTIONS	POSITION IN JULY 2003
S1	The CCP ensures that all telephone advice is recorded and that systems are in place to ensure that such pre-charge advice is married up to any ensuing prosecution file.	Partly achieved. Recording or oral advice is still patchy but should improve under the discipline of the charging pilot.
S2	The AMT provides that correspondence relating to disclosure is also kept in the separate unused material folder.	No longer applicable.
S3	The CCP takes steps to satisfy himself that prosecutors are aware of their responsibilities in relation to sensitive material.	Achieved. No current problem.
S4	The CCP and the PTLs re-introduce the system of checking that all outstanding work needed for the preparation of summary trials has been completed at an appropriate stage.	Not achieved. This remains a significant weakness for the Area.

	SUGGESTIONS	POSITION IN JULY 2003
S5	The AMT monitors the current system in place to ensure that summary trials are reviewed appropriately and prepared expeditiously.	Not achieved. As above.
S6	The Crown Court manager attends the Crown Court to provide advice and assistance to prosecutors, caseworkers and counsel instructed by the CPS, and to monitor the performance of the CPS within the Crown Court.	No longer applicable under the revised structure.
S7	The CCP and the PTLs should ensure that all prosecutors and caseworkers make clear, concise and accurate endorsements about the progress of a case on the appropriate file.	Achieved. No current problem with court endorsements.
S8	The CCP and ABM continue to work together to develop their roles in relation to performance management and liaison with other agencies so that the CCP can increase his personal caseload and his attendance as an advocate at court.	Achieved. The relative roles of the CCP and ABM are now more distinctly focussed.
S9	The AMT implements effective monitoring of agents at an early opportunity.	Not achieved. No monitoring takes place.
S10	The ABM conducts a full audit of the state of the accommodation, if appropriate with other tenants, and in conjunction with CPS Headquarters.	No longer applicable. Problem has been dealt with and accommodation is now satisfactory.

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

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	5
No case to answer	1
Trials	10
Discontinued cases	20
Race crime	4
Domestic violence cases	5
Youth trials	5
Cracked trials/ineffective trials	10
Cases subject to custody time limits	5
Crown Court cases/TU:	
Committals discharged after evidence tendered/sent cases	0
Trials	5
Child abuse cases	5
Race crime	2
Cracked trials/ineffective trials	10
Rape cases	5
Cases subject to custody time limits	5
TOTAL	97

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

Crown Court

His Honour Judge Beashel
His Honour Judge Wiggs
Mr A Davis, Court Manager
Mr B Sadler, Court Manager

Magistrates' Courts

District Judge House
Mr J Hoare JP, Chair of Dorset Magistrates' Court Committee
Ms H Brownlow JP, Chair of the Dorset Youth Court Bench
Mr R Campbell JP, Chair of the West Dorset PSD
Mrs D Wright JP, Chair of the East Dorset PSD
Miss R Davies, Clerk to the Justices

Police

Mrs J Stichbury, Chief Constable
Chief Superintendent M Summers
Superintendent B Boulton
Superintendent L Hart
Superintendent M Palmer
Chief Inspector G Donnell
Police Constable M Strange
Mr K Mayo, Criminal Justice Unit Manager

Defence Solicitors

Ms A Brooking
Mr M McGoldrick

Counsel

Mr N Haggan QC
Mr M Parroy QC
Mr R Smith QC
Mr A Barnett
Mr M Forster
Mr C Gabb
Mr A Hiddleston
Mr R Hill
Mr T Moores

Probation Service

Mr B Crook, Chief Probation Officer
Mr M Green, Assistant Chief Probation Officer

Witness Service

Ms J Franklin, Co-ordinator
Mr S Martin, Co-ordinator
Mr B Shorto, Co-ordinator

Local Crime and Disorder Reduction Partnerships

Mrs A Bombardiere
Ms S Jenkins

Community Groups

Ms A Khambatta, Dorset Race Equality Council
Ms M Smith, Women's Service Manager, Bournemouth Churches Housing Association

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 HMCPsi 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 undertaken properly to appropriate professional standards ie consistently good work
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