



HM Crown Prosecution  
Service Inspectorate

# CPS East of England Inspection Report

November 2012





## Chief Inspector's foreword

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The outcomes achieved by CPS East of England (which comprises Cambridgeshire, Essex, Norfolk and Suffolk) make it one of the best performing CPS areas. With such good performance I decided that undertaking an inspection to identify if there were specific factors contributing to this level of performance, which could be shared across the CPS, would be an effective use of inspection resource.


This report identifies a number of key environmental factors that inspectors identified as being a major influence on the performance outcomes in CPS East of England. They can be categorised in the following way:

- Staff engagement and motivation: this included a significant number of Area staff who understand what contributes to good performance, and are aware of the Area's performance and managers who are realistic about what needs improving. My inspectors also found a commitment by staff across the all grades to do what is necessary to ensure work is progressed
- Effective partnership working: this included strong community engagement and a constructive working relationship with criminal justice partners, and the defence community. Inspectors found that local relationships were a significant contributory factor to progressing cases and successful outcomes

It is not surprising that cases which are properly reviewed before the first hearing, including identifying acceptable pleas and removing those cases which can proceed no further, are a crucial factor in encouraging a high guilty plea rate and preventing cases drifting through the system. This inspection confirms that where there is effective review and case analysis overall efficiency and outcomes are improved.

The inspection has rated the Area as good in each of the three aspects of the inspection framework, namely governance, casework quality and value for money. However, as part of our external examination we have identified a number of things where the Area could improve further. These are set out as recommendations in the main body of the report.

Whilst it may not be possible for all areas across the CPS to replicate the situational factors that we found in CPS East of England, there are a number of factors highlighted in this inspection that show what drives success. This inspection does not give all the answers but its findings and the experience from our previous inspections, give a good starting point for consideration in areas that are trying to improve their results and outcomes.



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Her Majesty's Chief Inspector



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## Executive summary

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CPS East of England (which comprises the counties of Cambridgeshire, Essex, Norfolk and Suffolk) is a good performing Area in most aspects. Inspectors assessed the Area's performance as follows

Inspection criteria	Assessment
Governance	Good
Casework quality	Good
Efficiency and value for money	Good

The Area benefits from effective leadership, sound financial management, good community engagement and predominantly constructive working relationships with its criminal justice partners. There are also a number of environmental factors which support its strong performance and which inspectors do not always find. These include staff with very high levels of commitment to ensuring the core business is delivered, and local defence practitioners and counsel who are prepared to work collaboratively with the CPS and other agencies to progress cases. These benefits are reflected in the high level of successful outcomes the Area achieves across the key aspects of its casework, which are supported by effective case progression at court.

The Area has benefited from a smaller reduction in staffing numbers from 2009-10 to 2011-12 compared with the CPS nationally and a larger reduction in its Magistrates' Court caseload, including the level of contested cases. It also saw a smaller increase in its Crown Court caseload than found nationally and the case mix contains a smaller proportion of the more serious, and resource intensive, cases which can only be tried on indictment.

Within the Area the change in staffing resources and profiles in each of the counties has varied substantially. Inspectors found that some units were struggling to deal effectively with aspects of case preparation, but due to the collaborative nature of inter-agency working were still able to maintain a good level of performance.

The recent appointment of a new Chief Crown Prosecutor, (following the retirement of the previous one) gives the Area the opportunity to settle its optimum structure and to maximise the effectiveness of the move to digital working and wholly electronic case preparation. In particular there is an opportunity to move work to resources. For this to be fully effective there is a need to ensure processes are standardised and inspectors have recommended that this is addressed. Some local practices were developing which inspectors considered could hinder the allocation of work across units. A further benefit of the realignment of work should be to enhance staff identifying with the Area as opposed to the county in which they are based. Managers were already thinking creatively of how to centralise tasks at one location to deal with staff shortages during holiday periods.

There is a very high level of staff awareness of performance at all operational levels in the Area and managers are held to account through quarterly performance meetings, which inspectors considered to be good practice.

The overall quality of casework decision-making is good, although some decisions at the charging stage, and in particular the recording of case analysis, should be better in a good performing area than inspectors found. Proposed changes to charging arrangements,

primarily the creation of a core charging team of experienced prosecutors should assist to improve utilisation, quality, consistency and throughput.

The timeliness of case preparation in the case progression units varied although overall the Area performs well, with less than 10% of cases in our file sample failing to meet any of the requirements of the Criminal Procedure Rules. Crown Court outcomes are good, but inspectors were concerned that some cases were allowed to drift to the next stage when the lawyer had identified serious evidential weaknesses. A more rigorous screening of these cases at the initial stage of preparation has been recommended, which should enable the Area to perform even better.

Some units suffered from staff abstractions to other duties, or lawyers allocated to the unit had to balance the work with other commitments, for example preparing cases for court. The Area recognises that daily rotation of lawyers in the case progression units is not effective and plans to improve stability. The inspection also found, and recommended, that there was a need to set clear expectations around productivity levels in the units. This should also help develop more rigorous individual performance management.

Some aspects of casework are handled very well, for example the custody time limit provisions, and in others the Area is working hard to improve performance further, for example the disclosure of unused material. Serious and sensitive cases are handled well

in the county units<sup>1</sup>, and again this is reflected in positive outcomes which are all higher than the national average. In one county the liaison arrangements with police partners in cases involving allegations of rape is good practice.

The service provided to victims and witnesses is good, although there were instances where the timeliness of some applications for special measures and the quality of communication with victims could be improved. Complaints are well handled with timely and thorough responses.

In the last two years the Area has managed to work well within its allocated budget, and the average unit cost for each case is lower than found nationally. Total advocacy savings from the use of Crown Advocates have risen in each of the last three years, although the Area is not yet gaining the full benefit from all its Crown Advocates. The proposed introduction of a centrally managed Crown Advocate diary should assist in the effective allocation of cases and contribute to maximising savings and developing Crown Court advocacy experience.

Further savings are being considered by the Area as part of the review of its accommodation requirements. Where leasing agreements permit, the cost of the Area's estate should reduce over the next couple of years.

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<sup>1</sup> This inspection did not include an examination of the Area Complex Casework Unit which deals with the most serious and complex cases.



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## Conclusion, recommendations, good practice and aspects of concern

The findings from this inspection support the conclusion that overall CPS East of England is a good performing Area. Over the three year period from 2009-10 to 2011-12 it has continually improved its key outcomes, all of which are substantially better than the national average. However, performance across the counties which make up the component parts of the Area is not so clear cut. Some have seen a decline in performance, although almost all still perform better than the national average.

The Area has suffered fewer staff reductions than the national average over the last two years, and the changes in its caseload, together with its case mix, are more favourable. However, over a period of time and for a number of reasons the distribution of resources within the Area has become unbalanced and this needs to be addressed by a redistribution of the workload. Coupled with processes that were less than fully effective, some units were struggling to maintain their high level of successful outcomes.

What stands out is that the Area has effective leadership, overall constructive working relationships with criminal justice partners, a good approach to case progression which encourages guilty pleas and stops cases drifting, but above all a committed staff who are aware of what contributes to sound casework performance.

The report identifies a number of aspects of good practice, together with some aspects of concern. It also makes a small number of recommendations, the implementation of which is key to the Area continuing to going forward successfully.

## Recommendations

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1 The Area should review all current Transforming Through Technology processes in each operational unit and ensure that by the time of full paperless transfer of police files there are standard operating procedures across the Area, to facilitate better alignment of resources and workload (paragraph 1.26).

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2 The Area should ensure Core Quality Standards Monitoring assessments reflect fully the requirements of the national standards, that they are robustly and consistently applied and reflect accurately casework performance (paragraph 1.40).

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3 The Area should set clear productivity targets and expectations for all staff working in case progression units and managers should monitor and manage individual performance against these (paragraph 1.41).

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4 Area case progression units should implement an initial screening of cases adjourned for committal or service of the prosecution case to ensure that unnecessary work is not carried out on cases which clearly cannot proceed (paragraph 2.18).

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**Good practice**

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1 The Area has, at no cost, in conjunction with a local university, commissioned PhD law students to provide independent legal advice to the Local Scrutiny and Involvement Panels on the cases discussed. This enhances the credibility of the panels with community partners, as well as providing benefit to the students (paragraph 1.19).

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2 Quarterly Performance Review meetings take place between unit and county managers and the Chief Crown Prosecutor and Area Business Manager (paragraph 1.34).

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3 The initial screening of all cases in adjourned for committal or sent to the Crown Court (paragraph 2.18).

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4 The violence against women co-ordinator meets regularly with their police counterpart to discuss issues (paragraph 2.30).

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5 The minute sheets of all Crown Court hearings are immediately made available to the witness care unit so that they can update victims and witnesses promptly of hearing outcomes, and improve the quality of the service they receive (paragraph 2.36).

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**Aspects of concern**

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1 The majority of Area staff surveyed or interviewed did not believe that the individual performance appraisal system was working effectively or was worthwhile (paragraph 1.42).

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2 The quality of the MG3 (record of charging decision) (paragraph 2.6).

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3 The absence of a record of the lawyer's analysis, case strategy or decision-making at the full file or ad hoc review stage (paragraph 2.13).

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4 A lack of recording of the reasons for the acceptance of a basis of plea (to demonstrate compliance with policy) and a lack of a signed written basis of plea (paragraph 2.17).

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5 The proper endorsement of the sensitive material disclosure schedule and the disclosure record sheet (paragraph 2.25).

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# Part 1

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## Introduction

CPS East of England was formed as part of the national restructuring of the CPS in April 2011. It comprises the counties of Cambridgeshire, Essex, Norfolk and Suffolk. The Area has offices in each county, with its Operations Centre and Complex Casework Unit based at the Essex office. The Area intends to maintain a presence in each county although leasing arrangements will provide the opportunity to review shortly the accommodation provision in Cambridgeshire and Suffolk.

The Chief Crown Prosecutor retired just before the inspection started and the Area was therefore operating under a temporary structure at the time of our fieldwork.

In common with other CPS areas there has been a reduction in East of England staff over the last two years, with overall staff numbers reducing by 9.3% compared with 11.9% nationally from 2009-10 to 2011-12. However the Area has also seen a very substantial 21.7% reduction in Magistrates' Court contested cases over the same period. The reduction in Crown Court contested cases is much smaller (2.9%), but compares favourably with the national picture where there was a 3.9% increase. The proportion of cases where the Area is required to provide charging advice to the police has also reduced more than the national average.

Whilst staffing figures do not take into account long term sickness and other absences which impact on the Area, they do suggest that overall the resources available to do the work have been retained at a higher level than found nationally.

Casework outcomes are good, and in some parts of the Area they are very good. In 2011-12 there was a successful outcome in 89.6% of the Area's Magistrates' Court cases compared with 86.7% nationally. The Suffolk county unit was achieving a successful outcome rate of nearly 92%. Performance in the Crown Court was also better than found nationally, with 83.8% of cases resulting in a successful outcome compared with 80.8%.

In the three years from 2009-10 to 2011-12 the Essex county unit had continually increased the level of its successful outcomes in the Magistrates' Court and the Crown Court, and continually reduced the proportion of cases it dropped. A detailed breakdown of the Area's outcome performance is at annex B and the Area's performance against a range of efficiency measures is at annex C.

The number of charging decisions where lawyers direct no further action has reduced as a proportion of overall charging decisions during the same period. Although slightly higher than the national average, performance does not suggest that Area lawyers are risk averse.

Within the Area there are eight Crown Court centres and 14 Magistrates' Court centres and liaison with criminal justice partners requires substantial resource commitment. This was particularly so at the time of our inspection with the implementation of the multi-agency Transforming Through Technology (T3) programme.

### **Background and context**

HMCPSI uses a risk-based approach to identify the comparative performance of CPS areas. This informs the planning of future inspection activity. Previously those areas which have been under performing in one or more key aspects have been selected for inspection. However, to try to identify good practice and what factors contribute to a well performing area, it was decided, using the same risk-based approach, to undertake an inspection of CPS East of England.

The file examination aspect of the inspection forms part of a wider Annual Casework Examination Programme which involves looking at casework performance in each of the 13 CPS areas. The findings from the East of England file sample will contribute to an overall assessment of CPS performance.

A sub-set of the file sample comprises cases which were subject to the Area's Core Quality Standards Monitoring. The findings from this sub-set will help inform the Inspectorate's assessment of the progress the CPS is making in the quality and consistency of its casework monitoring.

### **Methodology**

The inspection involved an examination of 220 finalised files, comprising 55 from each unit (including a small sample of cases where either an out of court disposal or no further action was directed). The key findings from the file examination are at annex A. Inspectors examined a range of performance data and other material. Observations of the Daytime Direct charging process and case progression at court were also undertaken. The views of CPS staff, the judiciary, criminal justice partners, independent counsel, defence solicitors and community groups were sought either by questionnaire or interview. A detailed explanation of the methodology is at annex E.

# Part 2: Inspection findings

## 1 Governance

Good

1.1 The inspection of CPS East of England coincided with a period of major change for the Area, with the retirement of the Chief Crown Prosecutor (CCP) and a planned reorganisation of the Area management structure. While awaiting the appointment of a new CCP (which occurred shortly after our fieldwork), the Area was operating under a 'transitional' structure, consisting of an acting CCP, supported by two acting level E Senior District Crown Prosecutors (SDCPs), each with geographical and thematic responsibilities.

1.2 At the time of our inspection the Area had two Deputy Chief Crown Prosecutors (DCCPs), one managed Suffolk and Essex and the other Norfolk and Cambridgeshire. The Area recognises that this division is not ideal as it is not a best fit with other criminal justice partners, for example Norfolk and Suffolk share a Criminal Justice Board (and many police functions), which requires attendance from both DCCPs and is therefore an inefficient use of resources. There are also proposals for the Cambridgeshire Constabulary to share some functions with the Thames Valley Police. This would complicate matters further as it will cut across CPS area boundaries.

1.3 The Area has set out a proposed optimal structure for the future, with a revised management team, including a reduction in the number of unit managers. The responsibility for casework and specialist functions, as well as the unit structure, was still to be determined at the time of our inspection. The continuing good performance of the Area has meant that this move has not been as high a priority as for some areas, but it is now an opportune moment to put it in place. It is not yet clear how the Area will address alignment issues but

the increasing digitisation of casework gives the Area more opportunity to work across counties and assign management responsibilities on a functional, as opposed to geographical basis.

1.4 Following the appointment of the new CCP, settling the organisational structure should be prioritised to reduce staff uncertainty and anxiety about the proposed changes. The final structure needs to have sufficient clarity about the management of casework and specialist responsibilities as well as the impact of changes on the line management of staff.

### Leadership

1.5 The revision of the Area's organisational structure provides an opportunity for the Area to create operational teams and assign responsibilities which promote working across county boundaries and support the continuing development of the Area ethos.

1.6 Although the East of England structure has been in place since April 2011, most staff still operate at a 'county' level and largely identify with their own county or unit, rather than the Area. Senior managers are alert to these issues and there is now more movement of staff across county boundaries including managers to deal with local issues.

1.7 The provision of Daytime Direct charging and the Core Quality Standards Monitoring peer review process operate at an Area level and planning is underway for Area Advocacy and Fees units. Whilst staff in these units will operate primarily in their local office, there will be central management and administration, which enhances the opportunity to develop further the Area ethos. Key steps still need to

occur to ensure the Area gains the most benefit from these initiatives, including the planned introduction of a central advocacy diary which must be effectively managed to ensure the maximum deployment of Area Crown Advocates.

**1.8** How the Area deals with specialist prosecution work, such as rape allegations, needs to be considered under any revised structure. There is not currently a stand alone Rape and Serious Sexual Offences (RASSO) unit, which means there is not consistent police accessibility to charging advice across the counties. It also inhibits the sharing of good practice which we found in some units.

#### **Communication and staff engagement**

**1.9** Overall, the Area has improved performance in many key aspects over the last few years at a time when it is operating with fewer resources. The dedication of staff in the Area has contributed to this result. In our survey, 70 per cent of staff who responded either agreed or strongly agreed that they feel motivated to do a good job, with a number commenting that this was largely down to their own personal work ethic.

**1.10** Many of the staff members have worked in the Area for a long time and managers believe that this low turnover, combined with a similar situation in partner agencies, has assisted in keeping performance at a high level. This is an important factor, as the experience of inspectors is that areas with high staff turnover find it more challenging to maintain efficient and effective processes.

**1.11** The management team have used a number of mechanisms to communicate and engage effectively with staff and develop the Area ethos. This has included engaging through county 'People Panels'; cross-Area local implementation teams (LITs) for the T3 programme, and the Crown Court Early Guilty Plea Scheme; a standardised meeting structure with common standing agenda items; and publishing key documents and messages on the Knowledge Information Management site.

**1.12** To improve communication, the Area recently held a management conference for all operational managers in the four counties. This was seen as a positive initiative.

**1.13** Managers have also been conducting one to one meetings with every member of staff as part of the Area's People Strategy. The aim of these informal chats is to help managers get to know staff better and to improve communication.

**1.14** These actions are producing positive outcomes and it is encouraging that 65 per cent of staff who responded to our survey agreed that managers communicate and engage with staff effectively and over two thirds considered that there was a clear vision and set of priorities for the Area. It was also commendable that 89 per cent of staff agreed that principles and practices that take account of individual differences (for example cultural or background) are respected by Area and District managers.

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### Relationship with partners/stakeholders

**1.15** Overall the Area has good relationships with its criminal justice partners but there are some local tensions over aspects of T3 implementation which, where possible, are addressed constructively at the inter-agency LIT groups. The Area uses the Local Criminal Justice Board structures to communicate strategic messages to partners although these formal messages can sometimes lag behind informal communication occurring at an operational level, particularly around the current structural changes.

**1.16** Performance issues are discussed with the police and there are also constructive informal feedback channels to deal with issues on individual cases. Results of our optimum business model (OBM) checks show that the timeliness of police files is generally satisfactory, although quality and completeness is still considered an issue in some parts of the Area.

**1.17** The Area engages effectively with Her Majesty's Courts and Tribunals Service (HMCTS) and works collaboratively to ensure that resources are used efficiently. There are differing approaches to case progression meetings across the Area but all were considered to contribute to maintaining effective trial rates. The Area is also assisted in this aspect by the proactive judicial management of cases and a collaborative approach by defence practitioners and counsel to progressing cases. Inspectors found that this consistent approach across a whole area was unusual compared to what is regularly seen elsewhere and a factor which had a positive impact on many aspects of casework.

### Community engagement

**1.18** The Area has increased its efforts to engage with local community groups in the last year, particularly focusing on those groups with an equality and diversity dimension. The former Local Scrutiny and Involvement Panels (LSIPs) operating at the county level have recently been restructured, creating two Area panels (Norfolk/Cambridgeshire and Suffolk/Essex). Some community groups were concerned that this will lead to a loss of 'localism'. The panels operate as a forum for local community members to scrutinise case handling and provide feedback on CPS policies. The feedback from these panels is a standing item at all Area management meetings and has been used to initiate reviews of specific aspects of performance.

**1.19** The Area has, at no cost, in conjunction with a local university, commissioned PhD law students to provide independent legal advice to the LSIPs on the cases discussed. This enhances the credibility of the panels with community partners, as well as providing benefit to the students, and as such we consider it **good practice**.

**1.20** The Area has also undertaken some engagement/outreach activities with local disability groups to raise awareness of disability hate crime.

**1.21** Over three quarters of community groups responding to our survey said the Area was 'good' or 'excellent' at providing links to specialist prosecutors or specific co-ordinators to work with their community group.

## Strategic planning

**1.22** The Area's 2012-13 business plan sets out its priorities under the headings of 'people', 'quality', 'efficiency' and 'digitisation' in line with national CPS priorities. Despite the ongoing management changes and uncertainties about the future Area structure, over two thirds of staff in our survey agreed there was a clear vision and set of priorities for the Area.

**1.23** Under the efficiency and digitisation streams, which include the T3 programme and the rollout of an e-procurement system for the payment of counsel fees, the Area is actively promoting value for money principles.

**1.24** Good progress has been made in relation to electronic working in the Magistrates' Courts. At the time of our inspection, all first time hearing files and summary trial file upgrades were being sent digitally by the police, and the Area has clear targets for when Magistrates' Court case presentation becomes completely electronic. However, T3 was introduced at different stages across the Area and there is a need to ensure that late adopters are benefiting from the work already done by the early adopters.

**1.25** Cambridgeshire in particular, has been hindered by having to trial a different process to transfer files electronically (the Wizard) to the other counties and therefore has not benefited as much from the lessons learnt by counties that are further ahead (for example Essex and Suffolk).

**1.26** The Area has deployed a project manager to lead on process redesigns necessitated by T3 and they work with staff across the Area in T3 LIT groups and workshops to design the new digital processes. However, different ways of working and different rates of progress across

counties, mean teams are developing their own temporary workarounds to IT issues primarily due to difficulties with the police NSPIS system which does not interface effectively with the CPS case management system. This has led to some local inconsistencies in processes and working, although designed clearly to improve efficiency. Area managers did consider introducing an IT working group across the four counties to share solutions and good practice but this has not yet happened. Many staff and managers we spoke to or surveyed complained about a lack of training or uniform guidance on T3 from the centre. Whilst understandable in the short term, if the workarounds and inconsistent processes become embedded they could hamper effective cross-Area working in the future.

### Recommendation

The Area should review all current Transforming Through Technology processes in each operational unit and ensure that by the time of full paperless transfer of police files there are standard operating procedures across the Area, to facilitate better alignment of resources and workload.

**1.27** The lack of system integration between the police and the Area is a major risk to the overall transition to digital working, and this is an issue in other areas. The police are introducing a new system known as Athena to replace NSPIS in late 2012. Much is resting on Athena working effectively, particularly in relation to progressing digital files in the Crown Court. An agreement still needs to be reached with HMCTS over some aspects of electronic transfer of papers, case presentation at court and related back up provisions.



**1.28** The Area has set out to improve staff engagement on all aspects of working through their People Strategy, which includes the running of a development programme for managers and the introduction of an East of England Staff Awards scheme.

**1.29** Under the 'quality' heading of its business plan, the Area states it will develop the Core Quality Standards Monitoring (CQSM) performance regime implemented in 2011-12 and standardise disclosure and warrant handling across the Area. It has already undertaken a disclosure audit across the four counties and developed an action plan to address the issues identified. Standard desktop instructions on disclosure had also been issued to staff across the Area.

**1.30** The inspection took place during the first quarter of the business year, and the Area was in the early stages of delivering against many of its other business plan initiatives. Delivering the T3 initiative was clearly the Area's main focus, during our visit, but there are plans in place to progress others as the year progresses.

**1.31** It is understandable that a project as substantial as T3 will have teething problems, but overall we found that the Area has a delivery improvement culture.

## **Management of performance and risk**

**1.32** The Area has a strong performance management regime on which managers are focussed. Performance is a regular item on Area and county senior management team agendas and aspects for improvement are identified and remedial action taken. For example, a recent monitoring exercise was undertaken on the quality of instructions to counsel and feedback from this exercise was used in the development of a template document which has improved standardisation and quality. HMCPSI thematic reports are also used to identify where improvement is needed, and it was encouraging to note that casework quality was assessed against their findings.

**1.33** High quality performance data is produced with robust analysis. Managers receive a monthly one page performance dashboard of high and medium-weighted measures comparing Area, county and unit performance against national outturns.

**1.34** A detailed quarterly report is produced which highlights where performance is declining (even where it is still above national average). This report forms the basis of the Quarterly Performance Review meetings that take place between unit and county managers and the CCP and Area Business Manager (ABM) which we consider to be **good practice**. Senior management take an active interest in performance at these meetings and focus on aspects which they consider require improvement.

**1.35** Performance information is communicated to staff on Team Information Boards and daily briefings and staff are proud of their strong performance in the national rankings. In our survey, 87 per cent of staff agreed or strongly agreed that they understand how the Area and their own county are performing in comparison to other areas and units in the East of England.

**1.36** The Area acknowledges variations in performance across the units and that there are risks of too much focus on outcomes which are measured to the detriment of those that are not, for example some aspects of productivity. Whilst the CPS does not have specific casework targets there is always a danger that what is measured drives behaviours.

**1.37** The quality of Area casework is assessed under CQSM. Any deficiencies in casework are reported in a team action plan, which sets out issues to be raised with individuals or at team meetings. CQSM findings are peer reviewed quarterly and a dashboard is produced to show how scores across units and counties compare to the national scores.

**1.38** Inspectors assessed 48 files that had undergone CQSM and found that the Area was significantly more lenient in its assessment of quality. In assessing how many met the Core Quality Standards, Area managers gave the files reviewed an overall weighted score of 94.1 per cent, whilst inspectors scored the same files at 83.3 per cent, a difference of 10.8 per cent. This difference between the Area and the

Inspectorate's overall CQSM assessment was greater than that found nationally in the HMCPSI thematic review of the CQS scheme<sup>2</sup> although in two counties (Cambridgeshire and Essex) the assessments were better, with a difference of only 6.6 per cent.

**1.39** Some of the most significant differences between Area and inspector ratings were in the questions about the quality and completeness of charging advice (as assessed by unit managers), the completion of proper reviews, the quality of communication with victims and the appropriate handling of sensitive material.

**1.40** Many Area managers spoke of the large time commitment that the CQSM scheme required of them. Our findings suggest that the Area needs to introduce a greater degree of robustness and consistency into this process if it is to maximise the value of the time taken to undertake the assessments.

### Recommendation

The Area should ensure Core Quality Standards Monitoring assessments reflect fully the requirements of the national standards, that they are robustly and consistently applied and reflect accurately casework performance.

<sup>2</sup> HMCPSI's Thematic review of the CPS Core Quality Standards Monitoring scheme (March 2012) found a difference of 10.5% from an examination of 861 files.

### Productivity

**1.41** Individual performance management is less effective. Whilst the Area measures individual lawyer's charging consultation times, there was limited measurement of OBM unit output or individual productivity. This lack of measurable outputs makes it hard for managers to assess objectively whether resources are being used fully effectively. It is important that staff are set clear expectations around not only the quality of their work but also what is expected of them when working in case progression units.

### Recommendation

The Area should set clear productivity targets and expectations for all staff working in case progression units and managers should monitor and manage individual performance against these.

**1.42** The majority of Area staff surveyed or interviewed did not believe that the individual performance appraisal system was working effectively or was worthwhile. Criticisms of the appraisal process included that it lacked relevance for staff that have been in the CPS a long time and there was no link to rewards or development opportunities. This is an **aspect of concern** which managers must address through the People Strategy, although most aspects of reward are outside the control of the Area.

**1.43** Local managers instigate performance improvement processes for under performing staff but some did not feel that they had adequate support (or time) to carry out this process effectively.

**1.44** The Area Advocacy Assessor has assessed all Crown Advocates over the year to June 2012 and the Essex Advocacy Manager also meets with judges to gain feedback on advocates.

### Standardisation of processes and sharing of good practice

**1.45** The Area has carried out standardisation exercises over the last six months to try to introduce greater consistency in processes, such as the management of custody time limits, the handling of discharged committals and the disclosure of unused material. However, we found there remain significant differences in OBM processes, even between units in the same county. The Area will find it more difficult to maximise resource movement across counties if processes and systems are not consistent.

**1.46** There has been some sharing of good practice between counties, for example, a process in Essex for improving the direct communication with victims process has been shared with Suffolk, but this is not yet happening systematically. The CQSM peer review process should enable a greater degree of good practice to be shared across the Area.



## 2 Casework quality

Good

### Charging delivery

**2.1** CPS East of England provides a Daytime Direct charging service to its four police forces, Cambridgeshire, Essex, Norfolk and Suffolk.

**2.2** Charging lawyers are based in each county but provide charging advice across the Area. Deployment periods vary from half day sessions to permanent deployment. At the time of our inspection the Area had evaluated its charging resource requirements and was planning to substantially reduce the number of lawyers utilised to provide charging advice to a core of six experienced prosecutors. This should alleviate a number of the current concerns over both consistency, abstraction to other duties and the time some lawyers currently take to make charging decisions. Our observations suggest that this should enable the Area to deal effectively with the volume of charging advice requests.

**2.3** The Daytime Direct Charging Manager regularly subjects charging advices to CQSM checks and is focussed on improving all aspects of performance including the quality of MG3s (record of charging decision). We found these assessments to be robust. There is also frequent contact between the charging manager and other lawyer managers with feedback given in both directions.

**2.4** The police consider that there can be a lack of consistency between charging lawyers and that some appear to put off making a decision without reasonable grounds. Our observations of some charging decisions supported this view.

**2.5** In our file sample we found that in 94 per cent of charging decisions (including 19 cases where an out of court disposal was directed or no further action determined) the Code for Crown Prosecutors (the Code) was applied correctly.

**2.6** We found wide variation in the quality of MG3s; 12.9 per cent were assessed as excellent and 35.3 per cent as good, but nearly a quarter (23.3 per cent) were assessed as poor because the advice and guidance was not proactive and failed to set out a clear strategy to produce a successful outcome at trial. This is an **aspect of concern**, which the proposed restructuring of the provision of charging advice should help to address.

**2.7** However, there were some excellent charging decisions and high quality MG3s particularly in the more serious casework such as rape and serious sexual offences and evidence of local initiatives to drive up charging quality. In Norfolk all RASSO cases require a second lawyer to approve the decision to charge before authority is given.

**2.8** In one part of the Area there is a lack of police compliance with the Director's guidance on charging, including failing to refer cases for a charging decision by CPS or conversely referring those where the police should have decided no further action could be taken. The charging manager was aware of this issue and was addressing it with the police. Eight cases in our file sample which were charged by the police did not comply with the evidential stage of the Code.

**2.9** Face to face charging advice is provided in all counties primarily in RASSO and other complex cases, or those requiring the viewing of video evidence. The volume of these cases and the arrangements for delivering face to face advice vary. In some parts of the Area this has led to delays. Both these issues need robust inter-agency co-operation and management to ensure an efficient throughput. The Area should also consider standardising the arrangements for the provision of face to face advice.

**2.10** The quality of the decision-making in cases involving out of court disposals was good but lawyers do not evidence that they have applied correctly the Conditional Cautioning policy.

### **Decision-making**

**2.11** There is a lack of consistency in the recording of initial reviews in police charged cases. Some teams were reviewing cases to a high standard whereas in others a number of cases had no review or an insufficient review recorded. Area managers were aware of this issue and in one county an experienced paralegal officer had been deployed to conduct an early review of these cases in order to identify any weaknesses and take remedial action where necessary. This should also assist in identifying quickly those police charged cases which should be discontinued, and not left to drift to the next stage. Our observations of case progression highlighted the benefits of timely thorough reviews.

**2.12** The application of the Code in subsequent full file or ad hoc reviews was correct in 95.6 per cent of cases in our file sample, and cases proceeded to trial on the most appropriate charges in almost all instances. However the quality of reviews needs to improve. Overall, 114 out of 161 Magistrates' Court cases (70.8 per cent) were reviewed fully at the summary trial or committal stage, but only 53 out of 93 (57.0 per cent) met the same standard in the Crown Court. There was a range of performance across the counties, for example we found that substantially more cases in Essex were reviewed to the required standard than was found overall, whereas Magistrates' Court reviews in Norfolk and Crown Court reviews in Suffolk needed to improve considerably.

**2.13** In many cases it was apparent a review had been conducted (for example by reference to correspondence, or memoranda to the police) but there was no record of the lawyer's analysis, case strategy or decision-making. This is an **aspect of concern** which managers should address through CQSM.

**2.14** The Area needs to develop a more consistent approach to ensure that all teams review files in good time and adhere to a regular and consistent use of the case management system (CMS) for recording all key actions on a case. The need for proper recording of all decision-making has become imperative with the move to electronic files.

**2.15** In the experience of inspectors the quality of files received from the police is generally good in three of the four counties, although the Area was working with the police to improve the quality of files in Cambridgeshire. Good quality police files undoubtedly contribute to successful outcomes, and this is a factor which is not present in all areas. If any further evidence or remedial work is required it is correctly identified although the timeliness of communicating further requirements to the police needs to be improved in some units.

**2.16** The input to cases from Crown Advocates and independent counsel also needs to be recorded better on CMS. There should be a consistent approach to providing written guidance to team lawyers and caseworkers from the trial advocates utilising their experience gleaned in trial courts.

**2.17** In 19 out of 24 relevant cases (79.2 per cent) the prosecution correctly accepted pleas or pleas on an agreed basis. However, there was both a lack of recording of the reasons for the acceptance of a basis of plea (to demonstrate compliance with policy) and a lack of a signed written basis in more than half the relevant cases. This is an **aspect of concern** which should be addressed by Unit Heads through both CQSM and dip checks.

**2.18** Only one decision to discontinue was not Code compliant, but again there is a need for the lawyer's reasoning to be better recorded. Some Crown Court cases were allowed to drift instead of being discontinued promptly even when the reviewing lawyer had identified correctly the evidential weaknesses. Area managers are aware of this, and the impact it can have on causing files to be prepared unnecessarily. It can also raise unrealistically the expectations of victims. Late discontinuance also inhibits full consultation with the police, who indicated that they did not always receive sufficient time to consider the proposal. One unit operates an initial screening of all cases when they are sent or adjourned for committal to identify those which can progress no further, and in another the process is used for custody cases. The initial screening of all cases in these categories is **good practice** and should be adopted throughout the Area.

### Recommendation

Area case progression units should implement an initial screening of cases adjourned for committal or service of the prosecution case to ensure that unnecessary work is not carried out on cases which clearly cannot proceed.

**2.19** Whilst our inspection identified concerns over the quality of the recording of reviews in some parts of the Area and instances where discontinuance was not timely, the overall level of decision-making at the summary trial and committal preparation stage was good. This undoubtedly contributes to the Area's successful outcome rates.

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## Case preparation

**2.20** Effective and efficient case preparation is a key factor in achieving successful and timely outcomes. Across the Area the teams dealing with case preparation are not uniformly structured and operate a number of different processes. The senior management team recognise that there is a need for greater consistency. In spite of these differences our inspection found that the majority of the units handle the main aspects of case preparation well, serving the key evidence, responding to correspondence and either complying with judges' orders within the initial timescale or seeking an extension.

**2.21** Whilst local managers expressed reservations about the quality of police files we found that many of the units benefit from ones which are of a comparatively better quality and delivered in a timelier manner than found in other recent inspections. Undoubtedly maintaining a critical eye and continually seeking improvement can help drive up quality but we concluded that large parts of the Area are greatly assisted in delivering effective case preparation by the good work of the other criminal justice agencies. Our findings demonstrate the importance of a strong prosecution team ethos.

**2.22** The Area has worked hard to improve its handling of the disclosure of unused material, including a rigorous audit involving peer reviews across the counties. This resulted in an action plan identifying those aspects where compliance needs to be strengthened, prompt sheets being devised and the appointment of disclosure champions. We found that in over 65 per cent of cases in our file sample overall disclosure handling was good or better, although there was a wide range of performance across the

Area, with aspects that needed addressing. Performance in Essex was particularly strong with good or better disclosure handling in over 83 per cent of cases.

**2.23** The Area's overall performance was, in part, affected by delays in the provision of material by the police, or not requiring them to amend defective schedules. There was substantial variation in the quality of police schedules, and it is of note that those supplied by the Essex Police satisfied the relevant requirements in most cases, and were returned for correction where they did not.

**2.24** The requirement to consider relevant material and endorse disclosure schedules was fully met at the initial disclosure stage and during continuing review in three quarters of the files examined. In five cases there was failure to disclose undermining or assisting material although in each of these the defendant was acquitted. Initial disclosure was timely in 105 of the 127 relevant cases (82.7 per cent) and 47 of the 62 relevant cases (75.8 per cent) where continuing disclosure was necessary.

**2.25** However, the Area was let down by its handling of sensitive material schedules (where only 65.7 per cent of cases complied fully with the necessary requirements) and the omission to complete fully the disclosure record sheet in 22.6 per cent of cases. In over half of the cases involving non-compliance with the sensitive material requirements there was a failure by the reviewing lawyer to endorse the schedule to indicate they agreed with the disclosure officer's certification that there was no sensitive material. These are **aspects of concern** where compliance levels can improve quickly.



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**2.26** CPS managers have undertaken a lot of work with the police, local authorities and the judiciary to develop local protocols for the handling of third party unused material. There is now a need to review these protocols to ensure, subject to any individual local authority requirements, a standardised approach across the Area.

**2.27** The quality of applications, for example to adduce bad character or hearsay evidence, was good or better in 38 of the 59 relevant cases (64.4 per cent). There was non-compliance with all aspects of the relevant Criminal Procedure Rules in only 17 of the 171 relevant cases (9.9 per cent). Overall, there was timely compliance with court directions in 81 of the 120 relevant cases (67.5 per cent). Over half the cases where compliance was not timely were adversely affected by late or inadequate responses to CPS communications requiring further evidence or information.

**2.28** The Area is assisted by the active involvement of HMCTS in case progression and robust judicial management of cases. The approach adopted varies across the counties, but overall the East of England effective trial rates in the Magistrates' Court and Crown Court are better than the national average. A local initiative at Norwich Magistrates' Court involves a weekly administrative meeting between the court, prosecution and defence representatives to discuss cases which have been identified as likely to result in a change of plea or in which

there is a need to clarify issues. This has resulted in a 25 per cent reduction in the number of ineffective trials and savings in lawyer resources through not having to prepare trials unnecessarily. Overall, only four ineffective trials in our file sample were attributable to prosecution failures.

**2.29** There is good prioritisation of the preparation of custody time limit (CTL) cases and all other aspects of CTL cases are well handled. The Area has made a substantial effort to standardise CTL procedures across the counties.

**2.30** Cases which are sensitive, involve violence against women, hate crime or youths are dealt with expeditiously and effectively, and they are handled by those with appropriate training and expertise wherever possible. Each county has specialist domestic violence and RASSO co-ordinators who routinely check monthly failed case reports and prepare outcome focussed advice and training for the lawyers. In one county the co-ordinator meets regularly with their police counterpart to discuss issues and we consider this **good practice**. The Area focus on these types of case is reflected in an improving trend in the level of successful outcomes over the last three years (the detail of which is at annex A).

**2.31** There is no clear or consistent use of CMS for task management and staff were unsure of any planned training on this crucial aspect of electronic file management. Area managers will want to ensure CMS task management is fully understood before the full digitisation of case files.

### **Delivery at court**

**2.32** It was the view of stakeholders that, overall, advocates are effective at progressing cases and dealing with issues such as acceptable pleas and applications for remands in custody. Our limited observations supported this view which also identified proactive work by Associate Prosecutors particularly on sentencing issues. To progress cases at the first hearing the Area assumes, unless it knows to the contrary, that the defendant will be unrepresented and prepares a hard copy package of the required advance information.

**2.33** The Area Advocacy Assessor has undertaken a programme of observations and in 2011-12 six percent of advocates assessed failed to meet a satisfactory standard. The Area actively manages poor advocacy performance. Thorough feedback is given, and those who initially do not meet the required standard are reassessed within six months. Online training and access to the Core Trial Skills course is provided. The Area Advocacy Assessor has delivered local training and put together a document drawing together common issues identified from the assessments as a learning tool.

### **Service delivery for users**

**2.34** Proper consideration is given to matters relating to bail and custody, including the risk posed to victims and the public, and, where relevant, the need for a remand to secure the defendant's protection or welfare. The file examination showed that bail was opposed appropriately in 95.9 per cent of all relevant cases.

### **Victims and witnesses**

**2.35** Overall the Area provides a good service to victims and witnesses although improvement is required in a few aspects. There were good compliance levels with the Victims' Code, Prosecutors' Pledge and policy on the treatment of witnesses. Special measures are being appropriately sought although applications are not always timely which can cause frustration for witness care units (WCUs) and increase the anxiety of victims and witnesses. Safeguarding issues in relation to children are being properly addressed.

**2.36** There is **good practice** in Essex where the minute sheets of all Crown Court hearings are immediately made available to the WCU so that they can update victims and witnesses promptly of hearing outcomes. Area managers recognise that the timeliness of direct communication with victims letters needs to be improved. In our file examination 32 out of 45 relevant cases (71.1 per cent) were timely, although Suffolk's performance was substantially better (90.0 per cent). Only two of the 33 letters sent (6.1%) failed wholly to reach the required standard, and in a further 12 there was a need for some improvement in quality.

**2.37** Our inspection of a small sample of files on which a complaint had been raised confirmed that across the Area complaints are handled in a timely manner and the responses are appropriately drafted to take account of the needs of the complainant.

## 3 Efficiency and value for money

Good

### Finance and resource planning

**3.1** The East of England's budget is well managed. In 2010-11 the non-ring fenced administration budget was £176,000 underspent. Essex accounted for the majority of this underspend (£94,000). The Area was again underspent in 2011-12 by £612,139 with Essex (£445,357) again accounting for the majority of the savings. There are a number of factors that resulted in the Area managing this level of underspend but the main component has been staff reductions through the Voluntary Early Release Scheme.

**3.2** The Area's business plan objective of delivering greater efficiency through reducing resource costs is being supported by county managers focusing on local budget elements. There is good budgetary accountability and management at local levels where managers work creatively to maximise the use of the agency budget through a variety of measures, for example guaranteeing a level of work for experienced agents but at reduced rates.

**3.3** In Suffolk, instead of having full-time staff based at the WCU the county funds a police post on a six monthly basis. However whilst this gives the CPS more flexibility it does risk losing WCU staff due to a lack of job security.

### Resources are planned and distributed effectively to deliver key business objectives

**3.4** The Area's People Strategy identifies the need for resource deployment to ensure it delivers value for money and addresses imbalances where these are identified. Workforce capacity planning is organised and administered centrally for the Area by staff based at the Operations Centre and the main driver of this has essentially been to work to a level that achieves the spending review reduction target.

**3.5** There are clearly significant differences between the allocation of staffing resource and workload between the counties across the Area. These have developed over time as opposed to being the consequence of a defined strategy. Contested caseload changes over the last few years have not been reflected by similar staffing resource changes over the same period resulting in imbalances across the Area.

**3.6** Over the last three financial years there has been little correlation between the changes in caseload and staffing either in the Area as a whole or across the individual counties.

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**3.7** Nationally since 2009-10 the number of contested Magistrates' Courts cases has reduced by 8.5 per cent and the contested Crown Court caseload has increased by 3.9 per cent. During this time the number of lawyers employed by the CPS nationally has reduced by 8.9 per cent. In CPS East of England Magistrates' Court and Crown Court contested caseloads have reduced by 21.7 per cent and 2.9 per cent respectively (with proportionately fewer of the most serious, and resource intensive, cases than found nationally), whilst the number of lawyers reduced by just under eight per cent.

**3.8** Staff in some counties had a perception, which our analysis supports in some instances that they were under resourced compared with colleagues elsewhere. In one county the reduction in administrative staffing levels was putting a strain on the effectiveness of some processes.

**3.9** However we found that staff are undoubtedly committed and flexible in their working arrangements to meet the business need, and prepared to work out of grade to cover spikes in workloads.

**3.10** The Area is not making full use of its Associate Prosecutor resource. Whilst the total number of sessions covered is increasing, the level of deployment of individual associate prosecutors is not being maximised. Despite the resourcing issues we have identified, overall the Area is delivering value for money.

**3.11** The Area plans to implement a centrally managed advocacy unit but this has yet to be achieved, and it acknowledges it has too many Crown Advocates (CAs). It is unclear if this situation can be fully resolved through CAs reverting to their former roles. Deployment arrangements vary across the counties and the planned move to a centralised diary system should achieve greater consistency.

**3.12** The Area is not yet maximising the benefit of savings from all its CAs. The total advocacy savings have consistently increased over the last two financial years from £1.662 million in 2009-10 to £1.804 million in 2010-11 and £1.976 million in 2011-12. However when considered in terms of savings per CA, despite improving in 2011-12 the Area does not compare well with the national average and has delivered over £8,000 less savings per CA in 2011-12 when compared with national performance. Again there are substantial variations, with Suffolk based CAs achieving more average savings than found nationally.

### **Processes and systems**

**3.13** The performance data for the Area does not indicate specific problems in casework preparation and progression. All the Area's key outcomes are better, and in some case significantly better than the national average, although there are differing levels of performance within the Area. Essex, for example has continually improved its key outcomes from 2009-10 to 2011-12, but Cambridgeshire's guilty plea rate has declined over the same period. The outcome data is set out in detail at annex A.

**3.14** The effectiveness of the OBM processes in the case progression units varied significantly across the Area. Some of the issues identified during the inspection included:

- Delays in trial and committal review and preparation in some units which left little time for any necessary remedial action on the upgraded police file
- Delays in some units in allocating Magistrates' Court correspondence to files, and the absence of a filtering system to identify that correspondence which required urgent attention
- A lack of consistency in how units were resourced, for example in some the allocated prosecutor changed on a daily basis and other commitments affected their ability to effectively process cases

**3.15** We found that those units that were resourced adequately, did not suffer from abstraction of staff to other duties and had clearly defined processes in accordance with the OBM model were working well.

### **Prosecution costs and asset management**

**3.16** The Area is delivering its prosecution service at a lower comparable cost than the national average. The Area's prosecution cost per finalised case has improved in 2011-12 by nearly ten per cent and overall it was £141 less for each finalised case than the national average. The Area's prosecution cost equivalent for each member of staff also improved in 2011-12 whereas the national average worsened.

**3.17** Area managers acknowledge that it has been difficult to accurately forecast prosecution costs and the accruals process has not been fully effective. The Area plans to implement a new parity (P2P) e-payment system for counsel fees. This will be introduced in the four individual counties to enable standardisation prior to this then being centralised. It is expected that when P2P is implemented the backlog of cases awaiting payment will be reduced as these will be entered onto the system straight away. This should help budgetary control and forecasting and avoid large end of year adjustments as occurred in 2011-12.

**3.18** The Area is currently beginning to implement the centralisation of its fees payments but the benefits accruing from this have yet to be realised. The plan is to centralise the payment of fees into an Area-wide unit based in two locations. The initial benefits of this have started as administration staff based in Suffolk who process fees payments have now been reallocated to frontline duties.

**3.19** As part of the inspection, graduated fee scheme (GFS) payments of £44,267.72 were reviewed to ensure that these were necessary and in accordance with the scheme. Potential savings of £3,450.25 (7.8 per cent) were identified due to issues which included appointing counsel for a sentencing hearing following a guilty plea dealt with by a CA and a Code test failure case with all associated costs. Although not paid as part of the scheme, an unnecessary cost of £1,254.36 was also noted due to an expert witness report being commissioned which was not considered crucial to the case.

**There is an effective asset management regime in the Area**

**3.20** The recording and control over physical IT assets is maintained by local county managers through the maintenance of asset registers. IT allocation has been reviewed and the Area has worked effectively to a ratio of eight personal computers to every ten members of staff. This has now changed with the advent of digitisation as all prosecutors who present cases now need a tablet computer. The Area has managed this process well.

**3.21** Some initial resistance to the use of tablets in court has diminished and prosecutors, as they become familiar with their usage, are more positive. The main aspect of concern identified is the speed of implementation of the project and the problems perceived as a result. The findings from responses to our questionnaire showed strongly that prosecutors were frustrated by some of the difficulties caused during the early stages of implementation. These include IT equipment that was faulty or not set up properly, issues of power supply and access to the CPS network while in court and an absence of training which meant that they were not able to use all available functions effectively.

**3.22** A significant issue is the difficulty in transmitting documents directly from the police NSPIS system into the CPS case management system. This is resulting in files being sent by secure e-mail and then uploaded by CPS staff, who also have to undertake quality assurance checks at the same time. Whilst these issues should be resolved in due course it was clear from our findings that they were causing substantial frustration and in some units serious backlogs.

**3.23** The Area recognises that the implementation of the T3 project represents an opportunity to reduce accommodation costs and also improve sustainability through reduced printing costs, reducing accommodation requirements and the opportunity for the rationalisation of processes. Understandably these have yet to be realised. Whilst the Area intends to maintain a presence in each of the counties, full digitisation and standardisation of processes will open up a range of rationalisation opportunities. Where current leasing arrangements permit, the Area is already looking at how it can make cost reductions.

**3.24** Staff have developed varied approaches to solving T3 based problems and issues. However it is not clear that there is an Area-wide process to ensure that learning is being captured to help avoid waste through inefficiency and duplication of effort.

# Part 3: Annexes

## A File examination findings

A total of 200 Magistrates' Court and Crown Court finalised cases were examined (including 20 which had been subject to the Area's Core Quality Standards Monitoring), together with 20 cases where lawyers directed either an out of court disposal or no further action. The finalised file sample was taken equally from each of the

county units. It comprised a mix of outcomes including guilty pleas, convictions and acquittals after trial, and case types including rape, racially aggravated and domestic violence.

The following table sets out the key findings from the finalised file sample:

Question		Number of cases	Percentage
<b>Application of the Code for Crown Prosecutors</b>			
The Code was applied correctly at the charging stage		137 out of 146	93.8%
The Code was applied correctly at summary trial/committal/sending review		129 out of 135	95.6%
The decision to end any charge was compliant with the Code test		48 out of 49	98.0%
<b>The quality of the MG3 (record of charging decision)</b>			
The MG3 included proper case analysis and case strategy	Fully met	79 out of 151	52.3%
	Partially met	44 out of 151	29.1%
	Not met	28 out of 151	18.5%
The most appropriate charges were advised at the PCD stage		101 out of 121	83.5%
The action plan met a satisfactory standard		47 out of 89	52.8%
The overall quality of the MG3	Excellent	15 out of 116	12.9%
	Good	41 out of 116	35.3%
	Fair	33 out of 116	28.4%
	Poor	27 out of 116	23.3%
<b>Case progression</b>			
There was a proper case review while it was in the Magistrates' Court (including committal)	Fully met	114 out of 161	70.8%
	Partially met	21 out of 161	13.0%
	Not met	26 out of 161	16.1%
There was a proper case review once it had moved into the Crown Court (including sending)	Fully met	53 out of 93	57.0%
	Partially met	16 out of 93	17.2%
	Not met	24 out of 93	25.8%

Question		Number of cases	Percentage
Case progression was carried out in accordance with the Criminal Procedure Rules	Fully met	111 out of 171	64.9%
	Partially met	43 out of 171	25.1%
	Not met	17 out of 171	9.9%
There was timely compliance with court directions		81 out of 120	67.5%
The lawyer or team exercised sound judgement, had a grip on the case, and progressed it efficiently and effectively	Fully met	77 out of 138	55.8%
	Partially met	45 out of 138	32.6%
	Not met	16 out of 138	11.6%
<b>Disclosure of unused material</b>			
The prosecutor complied with the duty of initial disclosure	Fully met	125 out of 168	74.4%
	Partially met	34 out of 168	20.2%
	Not met	9 out of 168	5.4%
Initial disclosure was timely		105 out of 127	82.7%
The prosecutor complied with the duty of continuing disclosure	Fully met	59 out of 77	76.6%
	Partially met	11 out of 77	14.3%
	Not met	7 out of 77	9.1%
Continuing disclosure was timely		47 out of 62	75.8%
Non-compliance was caused or aggravated by the failure of the police or any other agency to provide the right material at the right time		25 out of 57	43.9%
Non-compliance arose through a failure to disclose undermining or assisting material		6 out of 45	13.3%
The sensitive material schedule and any sensitive material was handled appropriately	Fully met	94 out of 143	65.7%
	Partially met	2 out of 143	1.4%
	Not met	47 out of 143	32.9%
The issue in the handling of sensitive material was solely a failure to properly endorse a blank MG6D		20 out of 38	52.6%
The overall quality of handling of unused material	Excellent	18 out of 128	14.1%
	Good	66 out of 128	51.6%
	Fair	31 out of 128	24.2%
	Poor	13 out of 128	10.2%



Question		Number of cases	Percentage
<b>Victim and witness issues</b>			
The prosecution was right to accept the pleas offered and/or to accept the basis of plea	Fully met	19 out of 24	79.2%
	Partially met	1 out of 24	4.2%
	Not met	4 out of 24	16.7%
There was compliance with the Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses	Fully met	143 out of 165	86.7%
	Partially met	17 out of 165	10.3%
	Not met	5 out of 165	3.0%
The right special measures were sought (including use of intermediary etc)		43 out of 46	93.5%
Decision-making, case progression and presentation take proper account of safeguarding issues in relation to child victims and witnesses		24 out of 28	85.7%
DCV communication, when required, was timely	Fully met	32 out of 45	71.1%
	Partially met	1 out of 45	2.2%
	Not met	12 out of 45	26.7%
The DCV communication was of a high standard	Fully met	19 out of 33	57.6%
	Partially met	12 out of 33	36.4%
	Not met	2 out of 33	6.1%
Were the appropriate orders sought at sentencing to address the needs of the victim, such as compensation, restraining orders etc		66 out of 69	95.7%

## B Casework outcome data

	National	East of England	Cambs	Essex	Norfolk	Suffolk
<b>Outcomes</b>						
<i>Magistrates' Court successful outcomes</i>						
2009-10	86.80%	88.40%	89.60%	86.90%	88.70%	88.90%
2010-11	86.50%	89.20%	87.90%	88.70%	89.20%	91.70%
2011-12	86.70%	89.60%	87.70%	89.90%	88.70%	91.90%
<i>Magistrates' Court discontinuance</i>						
2009-10	9.00%	7.90%	6.90%	9.20%	7.00%	7.10%
2010-11	9.60%	7.40%	7.90%	8.20%	7.00%	5.60%
2011-12	9.60%	7.10%	8.60%	6.70%	8.10%	5.40%
<i>Crown Court successful outcomes</i>						
2009-10	80.60%	82.00%	83.40%	79.30%	85.00%	83.10%
2010-11	79.60%	82.40%	83.30%	81.00%	86.50%	79.30%
2011-12	80.80%	83.80%	84.80%	83.80%	85.50%	79.80%
<i>Crown Court judge ordered acquittals</i>						
2009-10	11.70%	10.30%	8.30%	12.10%	9.80%	8.00%
2010-11	12.80%	10.20%	8.10%	10.90%	8.30%	13.40%
2011-12	11.60%	9.20%	8.20%	8.80%	9.20%	12.00%
<b>Volumes</b>						
<i>Pre-charge decisions</i>						
2009-10	477,204	30,746	5,813	12,105	7,122	5,706
2010-11	466,951	30,566	7,092	11,904	6,494	5,076
2011-12	367,058	22,471	3,969	10,629	4,663	3,210
Variance 2009-10 to 2011-12	-23.10%	-26.90%	-31.70%	-12.20%	-34.50%	-43.70%
<i>Magistrates' Court completed cases</i>						
2009-10	872,567	57,867	9,930	24,407	11,501	12,029
2010-11	840,968	54,431	10,505	22,507	12,193	9,226
2011-12	787,529	50,821	9,350	19,806	12,092	9,573
Variance 2009-10 to 2011-12	-9.70%	-12.20%	-5.80%	-18.90%	5.10%	-20.40%
<i>Crown Court completed cases</i>						
2009-10	109,545	6,158	1,238	2,672	1,484	764
2010-11	116,310	6,031	1,180	2,599	1,329	923
2011-12	106,974	6,005	1,267	2,695	1,287	756
Variance 2009-10 to 2011-12	-2.30%	-2.50%	2.30%	0.90%	-13.30%	-1.00%

	National			East of England		
	2009-10	2010-11	2011-12	2009-10	2010-11	2011-12
<b>Violence against women and hate crime outcomes</b>						
<i>Unsuccessful outcome rates</i>						
Domestic violence	28.02%	28.09%	26.66%	21.97%	20.48%	17.30%
Rape	40.56%	41.42%	37.53%	30.77%	31.60%	30.96%
Sexual offences not including rape	23.98%	25.66%	24.31%	19.91%	22.66%	21.51%
<b>Total for all violence against women</b>	<b>28.20%</b>	<b>28.45%</b>	<b>26.90%</b>	<b>22.10%</b>	<b>21.00%</b>	<b>18.20%</b>
Religiously/racially motivated hate crime	17.62%	16.86%	15.81%	15.73%	13.94%	10.59%
Homophobic hate crime	19.36%	19.28%	21.27%	19.30%	8.45%	16.44%
Disability hate crime	24.29%	20.25%	22.71%	20.51%	22.92%	13.33%
<b>Total for all hate crime (disability, homophobic, racist, religious crimes)</b>	<b>18.07%</b>	<b>17.23%</b>	<b>16.60%</b>	<b>16.30%</b>	<b>14.00%</b>	<b>11.30%</b>

	National			East of England		
	2009-10	2010-11	Year to date Dec 2011	2009-10	2010-11	Year to date Dec 2011
<b>Trial effectiveness rates</b>						
<i>Magistrates' Court</i>						
Vacated trial	21.89%	22.67%	22.49%	21.77%	18.91%	17.76%
Cracked trial	37.68%	39.14%	39.13%	33.74%	35.02%	37.58%
Effective trial	43.70%	43.39%	43.38%	48.44%	50.16%	47.62%
Ineffective trial	18.62%	17.46%	17.49%	17.82%	14.82%	14.80%
<i>Crown Court</i>						
Cracked trial	42.17%	42.13%	39.82%	40.65%	39.07%	38.51%
Effective trial	44.85%	44.39%	45.77%	49.65%	51.41%	51.29%
Ineffective trial	12.98%	13.48%	14.41%	9.70%	9.53%	10.19%

## C Financial and efficiency outcomes

	National average			East of England			East of England compared to national average	
	2010-11	2011-12	Change	2010-11	2011-12	Change	2010-11	2011-12
<b>Efficiency</b>								
Finalised cases per administrator (full-time equivalent)	428.5	456.1	↑	481.9	489.7	↑	>	>
Finalised cases per prosecutor (full-time equivalent)	526.6	535.1	↑	636.0	632.1	↓	>	>
In-house Magistrates' Court sessions	90.3%	91.2%	↑	88.6%	88.7%	↔	<	<
Associate Prosecutor Magistrates' Court sessions	32.2%	33.7%	↑	29.7%	33.6%	↑	<	<>
Cases dropped 3rd or subsequent hearings	44.3%	42.6%	↑	37.9%	39.4%	↓	>	>
Average sessions per Associate Prosecutor per week	6.09	5.91	↓	5.09	5.12	↑	<	<
Hearings per case guilty plea Magistrates' Court cases	2.05	2.00	↑	1.82	1.78	↑	>	>
Hearings per case guilty plea Crown Court cases	3.45	3.51	↓	3.23	3.25	↓	>	>
Savings per Crown Advocate	£43,858	£49,309	↑	£35,651	£41,172	↑	<	<
<b>Cost</b>								
Prosecution cost per finalised case (Crown Court)	£955	£945	↑	£890	£804	↑	>	>
Administrative budget (NRFA) spend per finalised case	£215.44	£206.61	↑	£178.80	£175.53	↑	>	>
Administrative budget (NRFA) spend per total full-time equivalent member of staff	£50,487	£50,873	↓	£49,024	£48,441	↑	>	>
<b>Quality</b>								
Magistrates' Court successful outcomes	86.50%	86.70%	↑	89.20%	89.60%	↑	>	>
Crown Court successful outcomes	79.60%	80.80%	↑	82.40%	83.80%	↑	>	>
Early guilty plea Magistrates' Court	61.10%	61.73%	↑	65.92%	67.29%	↑	>	>
Early guilty plea Crown Court	53.99%	54.24%	↑	59.50%	60.06%	↑	>	>

↑ Improvement between 2010-11 to 2011-12

↓ Deterioration between 2010-11 to 2011-12

↔ Minimal change between 2010-11 to 2011-12

> Better than comparison between East of England and the national average

< Worse than comparison between East of England and the national average

<> Minimal difference between East of England and the national average

## Staffing and caseload changes

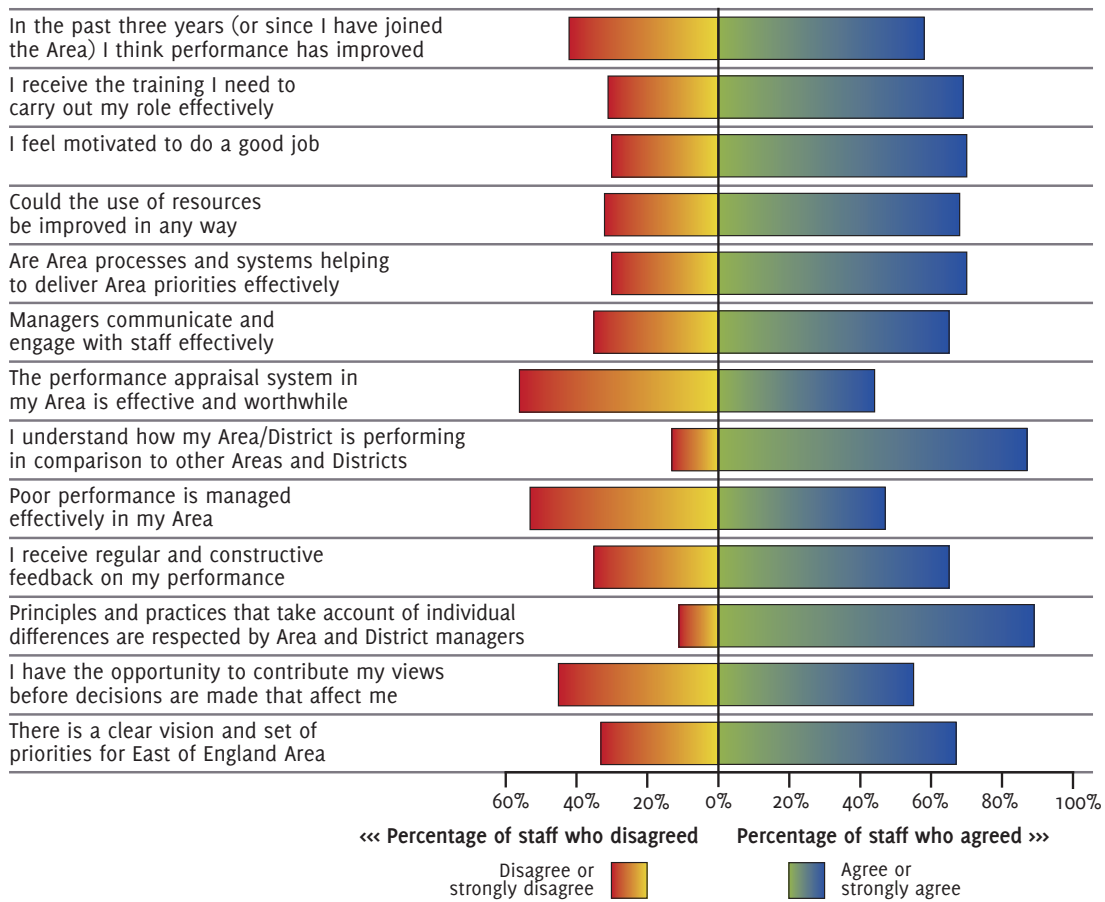
	2009-10 Year average	2010-11 Year average	Variance between 2010-11 and 2009-10	2011-12 Year average	Variance between 2011-12 and 2010-11	Variance between 2011-12 and 2009-10
<b>Areas and CPS Direct</b>						
Staff in post	7,095.6	6,712.9	-5.4%	6,251.9	-6.9%	-11.9%
Prosecutors in post	3,143.5	3,041.3	-3.3%	2,876.8	-5.4%	-8.5%
Administrators in post	3,952.1	3,671.6	-7.1%	3,375.1	-8.1%	-14.6%
<i>Magistrates' Court</i>						
Finalisations	872,567	840,968	-3.6%	787,529	-6.4%	-9.7%
Contested cases	55,643	54,392	-2.2%	50,904	-6.4%	-8.5%
Contested cases per prosecutor	17.7	17.9	-	17.7	-	-
<i>Crown Court</i>						
Finalisations	109,545	116,310	6.2%	106,794	-8.2%	-2.5%
Contested cases	15,119	16,134	6.7%	15,708	-2.6%	3.9%
Contested cases per prosecutor	4.8	5.3	-	5.5	-	-
Contested cases per paralegal	*	26.0	-	22.2	-	-
<b>East of England</b>						
Staff in post	385.7	368.3	-4.5%	350.0	-5.0%	-9.3%
Prosecutors in post	164.3	158.8	-3.3%	152.8	-3.8%	-7.0%
Administrators in post	221.4	209.5	-5.3%	197.2	-5.9%	-10.9%
<i>Magistrates' Court</i>						
Finalisations	57,867	54,431	-5.9%	50,821	-6.6%	-12.2%
Contested cases	3,240	2,997	-7.5%	2,537	-15.3%	-21.7%
Contested cases per prosecutor	19.7	18.9	-	16.6	-	-
<i>Crown Court</i>						
Finalisations	6,158	6,031	-2.1%	6,005	-0.4%	-2.5%
Contested cases	779	828	6.3%	756	-8.7%	-2.9%
Contested cases per prosecutor	4.7	5.2	-	4.9	-	-
Contested cases per paralegal	*	31.0	-	30.0	-	-

\* 2010-11 was the first full year of paralegal categorisation.

### Optimum business model file checks

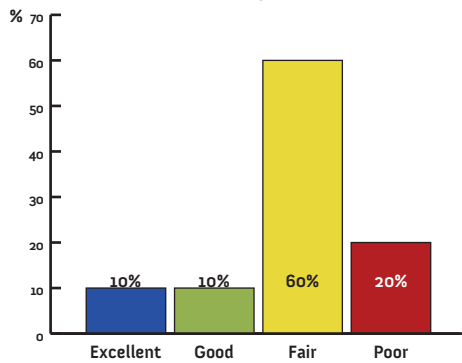
	County 1	County 2	County 3	County 4	Area
<b>Magistrates' Court</b>					
Average days between plea and request for file	1	1	0	4	2
Average days between receipt and file review	16	18	24	55	28
Average days between file review and trial	51	13	60	38	42
<i>Trial readiness</i>					
Files inspected	12	6	6	6	30
Number assessed as trial ready	11 (92%)	2 (33%)	4 (67%)	3 (50%)	19 (61%)
<b>Crown Court</b>					
Average days between plea and request for file	3	3	0	8	4
Average days between receipt and file review	17	6	12	8	11
Average days between file review and trial	133	81	85	93	105
<i>Trial readiness</i>					
Files inspected	12	6	6	6	30
Number assessed as trial ready	12 (100%)	4 (67%)	4 (67%)	6 (100%)	26 (87%)

## D Survey results

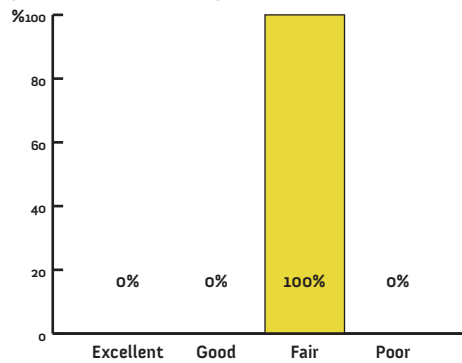


## Defence counsel

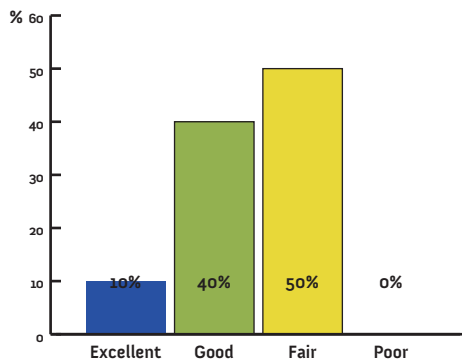
How effective are the prosecution in making applications to adduce evidence at trial including bad character, hearsay etc



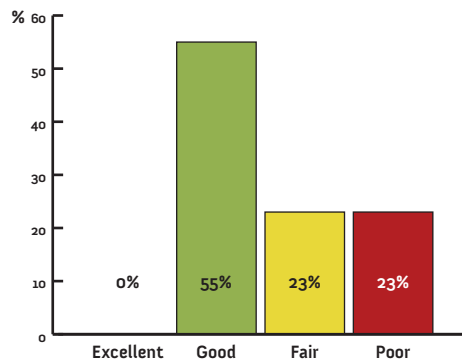
How effective are prosecution advocates at driving case progression at every hearing



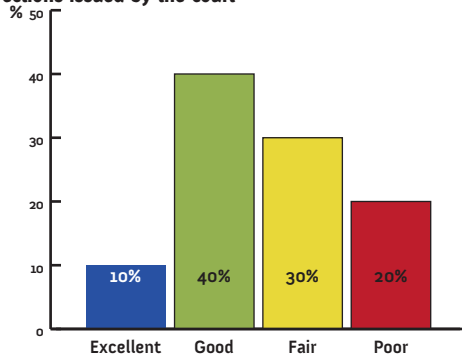
How effective are the prosecution at discharging their duties of disclosure of unused material



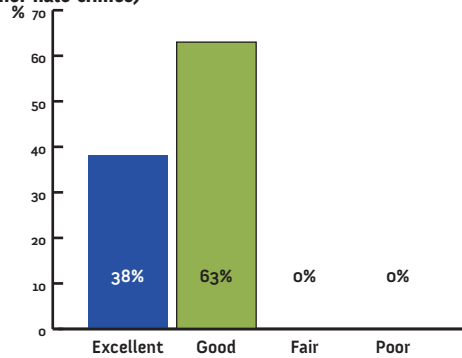
What is the standard of advocacy delivered by CPS advocates



How effective are the prosecution in complying (systematically and fairly) with Criminal Procedure Rules and pre-trial directions issued by the court

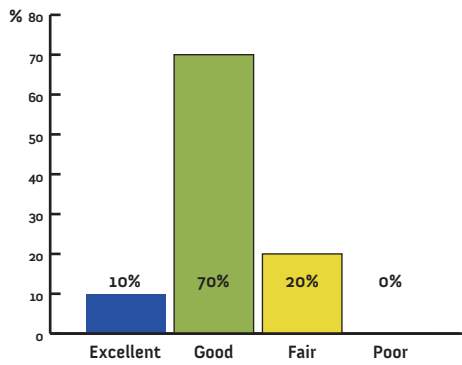


How effective are the prosecution at dealing with serious and sensitive case (including domestic violence, child abuse and other hate crimes)

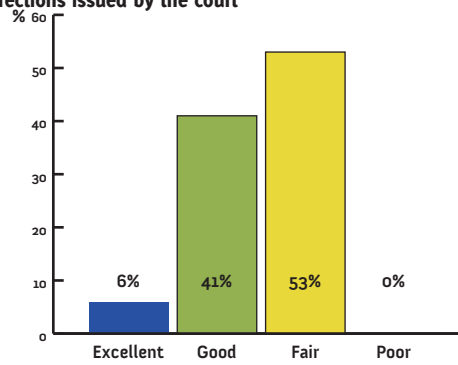




**The quality of CPS charging decisions is...**

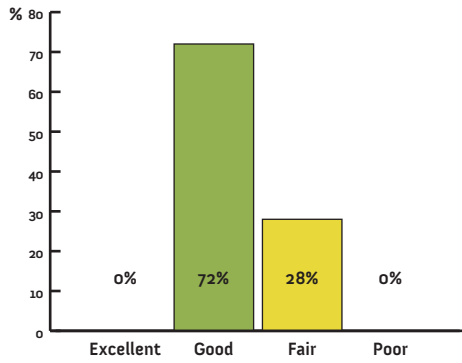


**How effective are the prosecution in complying (systematically and fairly) with Criminal Procedure Rules and pre-trial directions issued by the court**

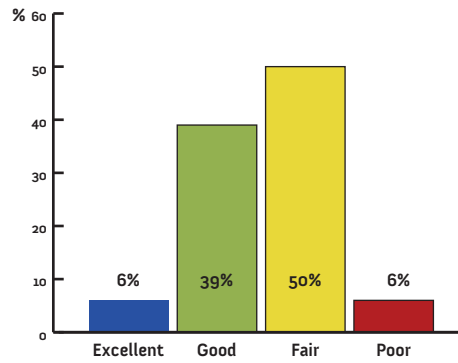


**Deputy justices' clerks and case progression officers**

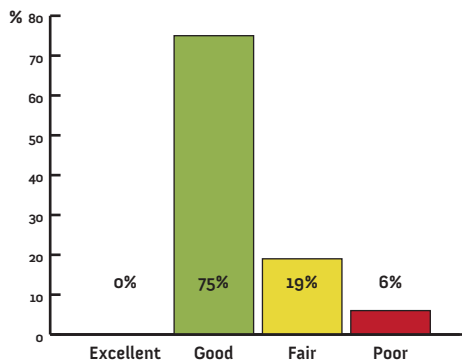
**How effective are the prosecution in making applications to adduce evidence at trial including bad character, hearsay etc**



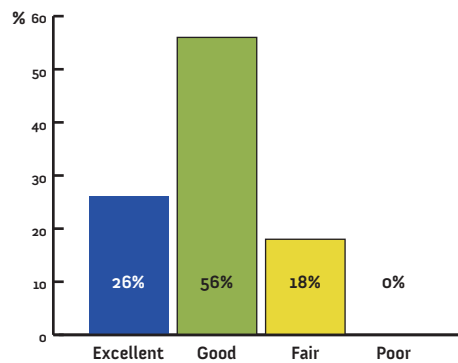
**How effective are prosecution advocates at driving case progression at every hearing**



**How effective are the prosecution at discharging their duties of disclosure of unused material**



**What is the standard of advocacy delivered by CPS advocates**



## E Methodology

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### Generally

This inspection took place against a framework agreed with the CPS. The findings were assessed against an agreed scoring matrix which provided a guide as to whether the evidence in respect of each main criterion indicated that Area performance was excellent, good, fair or poor.

### File examination

Inspectors examined 200 finalised Magistrates, Youth and Crown Court files, including 48 which had previously been assessed by local CPS managers as part of CQSM. The sample was taken in equal proportions from each of the four county units. The finalised cases comprised a mix of outcomes and types, including guilty pleas, convictions and acquittals after trial, allegations of rape, racially aggravated offences and domestic violence. The section of the sample that had not been subject to CQSM was weighted in favour of successful outcomes (58%). The balance of the CQSM assessed files was dependent on the types which had been selected by CPS managers, but where possible including at least one which had included an allegation of rape.

In addition 20 files were examined where, at the charging stage, the lawyer had directed either an out of court disposal or that no further action should be taken.

As part of the fieldwork a small sample of files which had been subject to a complaint were examined to assess how well complaints were handled in the Area.

### Examination of material

Inspectors examined relevant performance and financial information and other documentation, for example business plans, project plans and team meeting minutes before the fieldwork. They also had unlimited access to the Area's shared workspace which enables them to view any material to which CPS East of England staff had open access.

### Survey

CPS East of England employees, members of the judiciary, criminal justice partners, independent counsel, defence representatives and community groups were invited to complete a web based questionnaire. The analysis of the questionnaire responses is set out at annex D.

### Observations

During the course of the fieldwork inspectors carried out observations of lawyers delivering charging decisions at each county based charging centre. Limited observations were also carried out of case progression in the Magistrates' Court. Applying the HMCPSI risk model it was determined that there was no requirement to carry out specific advocacy observations.

### Process checks

Detailed process checks were carried out in the Magistrates' Court and Crown Court case progression units at each site visited. These checks included assessments of the effectiveness of each key stage in the trial preparation process.

## **Interviews**

Interviews were conducted internally with:

- The Acting Chief Crown Prosecutor
- The Area Business Manager
- The temporary level E Senior District Crown Prosecutors
- The Business Change and Delivery Managers
- The Area OBM Delivery Manager
- Area violence against women co-ordinators
- The Area Advocacy Unit Head
- The level D District Crown Prosecutor Heads of the Magistrates and Crown Court units
- The Daytime Direct Charging Manager
- Area operations staff
- Operational managers that cover case progression, paralegals and administrators
- Staff across the Area at desk side interviews and by survey

External interviews were also undertaken with:

- Senior police officers and civilian police staff (including witness care unit managers) in operational and strategic roles
- Resident Judges
- District Judges

## F Glossary

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### **Area Business Manager**

The most senior non-legal manager at CPS area level.

### **Associate Prosecutor**

A CPS employee who is trained to present cases in the Magistrates' Court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

### **Case management system (CMS)**

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also Transforming Through Technology (T3).*

### **Case progression manager (CPM)**

An administrative member of CPS staff who manages the progression of cases through the optimum business model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also optimum business model (OBM).*

### **Code for Crown Prosecutors (the Code)**

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also threshold test.*

### **Committal**

Procedure whereby a defendant in an either way case is moved from the Magistrates' 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. *See also either way offences.*

### **Complex Casework Unit (CCU)**

A unit set up within each CPS area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

### **Conditional caution**

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

### **Contested case**

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

### **CPS Core Quality Standards (CQS)**

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

### **CPS Direct (CPSD)**

This is a scheme to support areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all areas.

### **Core Quality Standards Monitoring (CQSM)**

A system of internal monitoring against the standards, whereby each area undertakes an examination of a sample of completed cases to assess compliance.

**Court orders/directions**

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

**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 because the prosecution offer no evidence.

**Criminal Justice: Simple, Speedy, Summary (CJSSS)**

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

**Criminal Procedure Rules (CPR)**

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all Magistrates' Courts, the Crown Court and the Court of Appeal (Criminal Division).

**Crown Advocate (CA)**

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

**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.

**Direct communication with victims (DCV)**

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

**Discharged committal**

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the Magistrates' Court refuses to adjourn the case.

**Discontinuance**

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

**Early Guilty Plea Scheme (EGP)**

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

**Either way offences**

Offences of middle range seriousness which can be heard either in the Magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

**File endorsements**

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

**Indictable only, indictment**

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the “indictment”.

**Ineffective trial**

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

**Instructions to counsel**

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

**Judge directed acquittal (JDA)**

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

**Judge ordered acquittal (JOA)**

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

**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.

**Optimum business model (OBM)**

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

**Paralegal Career Family Structure**

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

**Paralegal officer (PO)**

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

**Plea and case management hearing (PCMH)**

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

**Pre-charge decision (PCD)**

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s guidance, the latest edition of which came into effect in early 2011.

**Pre-trial application**

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

**Proceeds of Crime Act 2002 (POCA)**

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

**Prosecution Team Performance Management (PTPM)**

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

**Prosecutor's duty of disclosure**

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 undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

**Review, (initial, continuing, summary trial, full file etc)**

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

**Section 51 Crime and Disorder Act 1998**

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

**Sensitive material**

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

**Special measures applications**

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

**Streamlined process (Director's guidance)**

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

**Summary offences**

Offences which can only be dealt with in the Magistrates' Courts, e.g. most motoring offences, minor public order and assault offences.

**Threshold test**

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

**Transforming Through Technology (T3)**

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.

**Unused material**

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

**Upgraded file**

The full case file provided by the Police for a contested hearing.

**Witness care unit (WCU)**

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).





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HMCPAI Publication No. CP001:797



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