



Review of the Fraud Prosecution Service

October 2008



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1 INTRODUCTION

Purpose of the review

- 1.1 This is the report on Her Majesty's Crown Prosecution Service Inspectorate's (HMCPSI) review of the Fraud Prosecution Service (FPS). Its purpose is to provide a baseline of current performance for future inspection and to highlight any risks in the light of current and expected demands. The review also assessed the capability of the FPS to foresee, analyse and meet any other challenges which may flow from changes in its operating environments, including to volume or pattern of casework.
- 1.2 The FPS was established as part of CPS London in September 2006. Despite this it offers a national service in that it handles cases not taken on by the Serious Fraud Office (SFO), which may originate from London or elsewhere and are unsuitable for handling within the Crown Prosecution Service (CPS) areas from which they emanate.
- 1.3 Some current challenges are clearly identifiable and where appropriate we make recommendations. Other, more long term, challenges can be discerned in outline from the developing national fraud strategy, but some have yet to be characterised with precision by the FPS or by any external organisation. In particular, these include the nature and volume of the future national fraud caseload and the proportion that will be allocated to the FPS.

Structure of the review

- 1.4 This report is divided into 13 chapters. The second is an executive summary which includes a narrative overview of findings, along with a list of recommendations, aspects for improvement and strengths that the review team identified.
- 1.5 Chapter 3 covers the systems used by the FPS to regulate the size and complexity of its caseload and to allocate the work internally. Chapters 4 to 9 cover casework performance and 10 to 13 deal with management systems and performance.
- 1.6 There are a series of annexes which provide more detailed information and data to assist in reading the report.

Methodology

- 1.7 The FPS has a unique role in the CPS, in that it provides a national service while formally part of CPS London. It is also a relatively new organisation which has inherited a portion of its methods and caseload from other units, while seeking to develop its own role and systems. As such, it is not easily compared to any other CPS units, areas or London boroughs. Therefore, a bespoke methodology and framework was needed to assess its performance and achieve the purpose of this review.
- 1.8 The purpose and methodology of the review was settled in consultation with a group of external fraud practitioners (listed at Annex D), as well as the FPS itself. By agreement, a set of casework expectation standards drafted by the Inspectorate was used as a benchmark to assess the quality of FPS casework.

- 1.9 The methodology included the examination of 36 FPS case files which represented about 14.4% of its caseload. This relatively large size of sample, as a proportion of caseload, ensures that it is both representative and sufficient to give a complete picture of casework performance. Sixteen of the cases were completed and finalised as at 31 March 2008 and 20 were still 'live'. This allowed inspectors to obtain a snapshot of current performance as well as a direction of travel since the Service was set up. In addition the sample was selected to ensure that it included a high proportion of adverse outcomes, to ensure that any weaknesses would be identified. However, in turn, this means the file examination data tends to reflect the constitution of the sample rather than the caseload overall.
- 1.10 The files were examined by a team of three legal inspectors assisted by two external fraud prosecution practitioners from the Revenue and Customs Prosecutions Office (RCPO) and the SFO. Each file was examined against the casework expectations standards, on the basis of a set questionnaire. The results are set out in Annex A.
- 1.11 Inspectors had the benefit of a self-assessment provided by the FPS, along with a series of internal and public documents. FPS staff and CPS managers were interviewed in person and on the telephone. External stakeholders (Annex D) were also consulted in person and by questionnaire.

Historical context

- 1.12 The foundation of the FPS can be seen as an attempt to re-create the role of the specialist fraud prosecutor in the context of clear and more effective management supervision structures. This has been consistent with the recent increasing priority attributed to fraud prosecution within the criminal justice system as a whole.
- 1.13 When the CPS was founded in 1986 it included a specialist Fraud Investigation Group (FIG) which was responsible for the prosecution of serious fraud cases nationally. In 1988 the role of FIG was redefined following the recommendations of the Roskill report. First, the report led to the foundation of the SFO, with a remit to investigate and prosecute the most serious and high profile fraud cases, including those that previously would have been prosecuted by FIG. Secondly, it espoused the principle of multidisciplinary working, which led to the reconfiguration of FIG to include non-legal experts such as forensic accountants working alongside the prosecutors.
- 1.14 From this point the importance of fraud prosecution within the CPS reduced gradually, along with the clarity of its profile, until it effectively ceased to be a distinct skill or specialism. This culminated in the absorption of FIG into CPS Central Casework Directorate in 1997, where the skill and experience of the former fraud lawyers was diluted further as they were by then required to prosecute a full range of criminal cases. Simultaneously, the management structure flattened out, so that the involvement of senior managers in the supervision of fraud work was greatly reduced.
- 1.15 The lack of management supervision was identified and criticised in the Butler report in 1999. The Glidewell report (1998) also recommended that fraud work should become more focussed, in that the more serious and complex cases should be prosecuted by small teams of specialists within the CPS, properly supervised, rather than by generalist prosecutors. However, three years later the HMCPSI inspection of CPS Casework Directorate noted that the situation had remained virtually unchanged in relation to both of these issues.

- 1.16 This lack of specialist expertise and management supervision were later found¹ to be substantial causes of the collapse of the Jubilee Line case (*Regina v. Rayment and others*) in 2005. The then Attorney General instructed HMCPSI to conduct an independent review of the case.
- 1.17 In response to the findings of the review the Director of Public Prosecutions (DPP) announced the formation of the FPS as a national centre of excellence.

Structure of the FPS

- 1.18 The Service was created as a fifth sector within CPS London. As at 31 March 2008 (all staffing figures are to this date), it had a complement of 15 lawyers (excluding the Director) and 15 caseworkers, split between offices in London and York. The table below shows a full breakdown of staff which also includes ten managers, and two executive personal assistants and a personal secretary who provide secretariat support to the Director.

Grade	London	York	Total
Director	1	0	1
Lawyers level E	2	0	2
Lawyers level D (including senior crown advocates)	5	2	7
Lawyers level C2 (including crown advocates)	5	1	6
Managers level B	3	0	3
Caseworkers level B1	8	2	10
Caseworkers level A2	3	2	5
Executive personal assistant	2	0	2
Personal assistant	1	0	1
TOTAL	30	7	37

- 1.19 The Director FPS reports to the Chief Crown Prosecutor (CCP) for CPS London, rather than the DPP, as he would if the FPS had been created as an Headquarters casework division alongside those that prosecute terrorism, organised crime and other special crime. This also means that the FPS is technically bound by the CPS London business plan, budget and performance targets, although some latitude is available subject to the discretion of the CPS London Board.
- 1.20 The Director FPS is supported by the Assistant Director FPS, who is a level E lawyer. The Assistant Director is responsible for the daily supervision of the eight level D lawyers. One of the level Ds in the London office is designated prosecution team leader (PTL) and as such is responsible for supervising the level C staff in London. At the time of the inspection the substantive level D was on secondment and most of his duties, including line management, had been absorbed by the Assistant Director.
- 1.21 In the York office there are two level D lawyers, one of whom has been designated lawyer manager, which is equivalent to the PTL role in London. There is one level C lawyer on secondment from CPS North Yorkshire.

¹ Review of the investigation and criminal proceedings relating to the Jubilee Line case (June 2006).

- 1.22 All 15 caseworkers are ultimately managed by the Casework and Business Manager (CBM) who is assisted by the Casework and Business Support Manager. The CBM had just been promoted at the time of our fieldwork and had not been replaced. In effect the Support Manager was filling both posts.
- 1.23 Since 31 March 2008 two level C lawyers and one caseworker have been recruited and the business case has been accepted for the recruitment of a further caseworker. One extra level C lawyer is on secondment from the CPS London Serious Casework Sector and the FPS has recruited a barrister on a fixed term contract to help with casework in London.
- 1.24 Current plans include the recruitment of a new level D PTL in London (currently vacant) and the creation of a new post of level D business manager who will also be responsible for CPS London Serious Casework Sector.

2 EXECUTIVE SUMMARY

- 2.1 The FPS was founded in September 2006 to provide a specialist function on a national basis, and also to re-establish the role of the specialist fraud prosecutor in the context of clear and more effective management supervision structures. The Service was formed as a division of CPS London and the Director FPS therefore reports to the CCP for CPS London. This also means that the FPS is covered by the CPS London business plan, budget and performance targets, notwithstanding its national role both in operation casework and as the centre of excellence for fraud prosecution work.
- 2.2 There has been a positive direction of travel in terms of successful outcomes (convictions), which stood at a creditable 85% of the defendants proceeded against in 2007-08; underlying casework quality, which is characterised by strong legal decision-making and active case progression; and the development of management systems and leadership profile.
- 2.3 In the context of an increasing workload of about 250 cases, this level of success is largely attributable to the skill and experience exhibited by the majority of FPS lawyers and caseworkers, as identified in our file examination and confirmed to inspectors by external fraud professionals. Other contributory factors include effective teamwork (internally and with partners), a high level of individual commitment to casework, and appropriate management involvement in casework. In turn, these factors have combined to enhance significantly the Service's reputation with external agencies including the courts, police and defence practitioners.
- 2.4 Inspectors also identified a number of casework issues which need strengthening, in that they present a risk to the current trend of continuing improvement. In particular, the quality of instructions to counsel, quality of record keeping, limited use made of the CPS computerised case management system (CMS), and the approach and handling of asset recovery issues need to be improved. Whilst the quality of basic review decisions is good there is a need for charging prosecutors to be more consistently proactive in responding to foreseeable changes of circumstances, especially in cases involving more than one defendant. This was evident from a significant proportion of file sample cases which had resulted in an unsuccessful outcome.
- 2.5 The initial development of the FPS was directed with a degree of success by a dedicated project group, assisted by an external consultant and some staff from CPS London. The Director and Assistant Director have subsequently taken over the strategic responsibility for setting objectives and developing systems to meet them. As a result, systems which were transplanted from other units such as the CPS Headquarters casework divisions, as well as other more bespoke systems, have started to bed down into a more cohesive whole (although more needs to be done). This has enabled the FPS to carry out its basic function as a casework unit effectively.
- 2.6 There are very effective systems for the supervision of casework quality, which include a secondary level of difficult case reporting to underpin the CPS-wide case management panel framework. The systems for the provision of early investigative advice and pre-charge advice are flexible and relatively robust and there is a positive approach to post-charge case progression.

- 2.7 However, this progress is qualified by the fact that some systems and structures need to be developed to be fully effective. The FPS operates a different scheme for handling disclosure to the rest of the CPS. The role of the disclosure champion needs greater definition and an improved supporting infrastructure, so that it can help establish appropriate application of CPS policy and drive up consistency and overall performance. The arrangements for the Direct Communication with Victims (DCV) scheme also need to be developed, disseminated and embedded. In addition, the system for the monitoring of advocates needs to be upgraded and applied systematically.
- 2.8 Significantly, where appropriate systems exist they are not always applied consistently by lawyers and caseworkers, and this needs to be addressed. For example, lawyers take different approaches to examination of undisclosed unused material. In relation to CMS some are skilled while others do not use it at all. Similarly, some lawyers provide monthly returns on their casework and some are more reticent about doing so. In the main caseworkers apply systems more consistently, but file organisation systems are not always applied and the quality of endorsement and record keeping is variable.
- 2.9 These inconsistencies present a current risk which will increase in significance as the caseload increases in volume and complexity. Some other systems which are effective at present are successful because they rely on the enthusiasm and hard work of managers and staff. For example, the casework supervision system referred to above places considerable pressure on some managers, which may not be sustainable in the context of an expanding caseload.
- 2.10 There is also some inconsistent application of systems between the London and the (smaller) York offices.
- 2.11 The decision in December 2007 not to close the York office is subject to review at the end of 2008. In the meantime the lawyers and caseworkers in York are providing a very high level of service in the main, but whilst the morale of staff in the London office is relatively high following the resolution of some teething problems, staff in York are affected by a degree of continuing uncertainty.
- 2.12 This decision will need to form part of a wider strategy to include resolution of the place and role of the FPS in the CPS and particularly whether it remains part of CPS London or becomes a Headquarters division. The CPS must also ensure clarity as to the relationship between the FPS and the complex casework units (CCUs) now being established at CPS area group level. The role of the FPS in providing a national service, and as a centre of excellence, provide a closer fit with the other roles of Headquarters divisions such as those dealing with special crime, terrorism and organised crime.
- 2.13 Strategic planning will depend to an extent on the future development of the external fraud landscape, much of which has yet to be determined fully, as well as factors specific to the organisation and funding of the CPS. Nevertheless, FPS senior managers need to start preparing a strategy for the future development of the Service without delay, given that the volume of fraud casework is generally expected to increase significantly in the next four years.
- 2.14 In the narrow sense this means the development of more sophisticated change management systems, including the implementation of a better business planning and risk management framework, and the preparation of a robust staffing strategy given that it takes time to train fraud lawyers and caseworkers. Even at current caseload levels, the FPS management and somewhat anomalous staffing structure needs to be developed to ensure that casework risks are reduced

as far as possible. A new performance management regime is being designed at present and this will need to be reviewed and developed to ensure that it provides the FPS with enough information to be sure that it is running efficiently and effectively.

- 2.15 More broadly, FPS senior managers should also consider taking a more active role in contributing to wider CPS and national strategy insofar as they are likely to impact on the role of the FPS. This might, for example, include assessing the implications of the proposal in the Fraud Review² that the City of London Police take on the role of lead force for fraud investigation nationally, which is now beginning to take effect.
- 2.16 Given that most FPS work comes from City of London Police, the imminent expansion of their Economic Crime Department (ECD) will have a knock-on impact on the caseload that FPS will be expected to manage in the coming year. Therefore, the CPS will need to assure itself that there are sufficient resources to deal with this. The future relationship of the FPS with the SFO also needs to be considered. At present, the acceptance criteria of both organisations are strikingly similar and there is scope for them to define their roles further, relative to each other. It may be that the National Fraud Strategic Authority is best placed to analyse the current fraud landscape and to develop a clearer vision for the future, but FPS managers should seek to engage in the process as far as possible.
- 2.17 The FPS senior management team is well equipped to take on this challenge, given that it has already demonstrated energy, strong leadership and sound supervision skills in the short time that the FPS has been in existence. Senior managers have successfully encouraged many of the lawyers who were recruited from different CPS units, some more willingly than others, to develop a sense of satisfaction at being part of the organisation. All have a high degree of professional respect for the senior managers and, in turn, this has enabled the FPS to tap effectively the reservoir of skill and experience represented by its lawyers and caseworkers.
- 2.18 The leadership is also respected externally. It has raised the profile of the FPS, increased external confidence in the service the organisation provides, and enhanced its reputation as a centre of excellence. Combined with the continued commitment and skill of its staff, this ensures that the FPS is well placed to deal with the current and future challenges it faces.
- 2.19 There now follows a list of the recommendations, aspects for improvement and strengths that are contained in the body of the report. It may assist to record the manner in which HMCPSI uses the terms:
- *Recommendation.* This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority;
 - *Aspect for improvement.* A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this);
 - *Strength.* Work undertaken properly to appropriate professional standards i.e. consistently good work.

² The government's Fraud Review was published in July 2006. The National Fraud Strategic Authority is the body charged with developing and co-ordinating the implementation of its findings and recommendations.

2.20 In total we made 11 recommendations. We also identified 11 aspects for improvement and nine strengths.

Recommendations

2.21 We recommend that:

- 1 FPS managers, lawyers and caseworkers improve compliance with national standards for file endorsement (paragraph 4.15).
- 2 The FPS improve its systems for ensuring that all staff use the case management system as a casework tool (paragraph 4.20).
- 3 The FPS should develop systems for ensuring that prosecutors take a uniform approach to examining unused material, consistent with the terms of the Disclosure Manual (paragraph 7.7).
- 4 The FPS formalise the role of its Disclosure Champion (paragraph 7.9).
- 5 The FPS develop systems to ensure that its stated policy in relation to restraint and confiscation orders be disseminated to all relevant parties and applied robustly by its staff (paragraph 8.13).
- 6 The FPS develop systems to ensure that instructions to counsel are complete, timely and that they add value to the case (paragraph 9.9).
- 7 The National Fraud Strategic Authority consider the respective roles and inter-relationships of the numerous agencies currently involved in fraud investigation and prosecution as part of their function of developing and supporting the delivery of a national fraud strategy; and within that programme bring forward proposals for coherent, structured and co-ordinated arrangements. The FPS should engage actively in this process (paragraph 10.8).
- 8 The senior management team of the FPS develop bespoke business plans and objectives that reflect their own priorities. Risk management plans need to be improved and reflect key challenges that lie ahead (paragraph 10.11).
- 9 The senior management team review and consult on its operating structure as soon as possible, including the future of the York team. Also, in the short term it needs to assure itself that it has sufficient resources to deal with any immediate increase in caseload in the near future (paragraph 11.16).
- 10 The senior management team ensures that it undertakes regular formal reviews of performance underpinned by a documented and effective performance management framework to be in place by the end of 2008 (paragraph 12.6).

- 11 The FPS should review its management structure with a view to:
 - reducing the operational burden on senior managers;
 - ensuring that there are at least two people operating effective line management controls;
 - clarifying the role(s) required to manage the corporate and administrative functions of the FPS; and
 - balancing the focus on strategic and operational issues (paragraph 13.12).

Aspects for improvement

- 1 Together with other relevant organisations and CPS areas, the FPS should take further steps to ensure that its acceptance criteria are more widely known, and that appropriate cases are referred to it for consideration. It should log all acceptance decisions (paragraph 3.8).
- 2 The FPS should work to ensure that more standard casework systems are put in place, that they are complete, and are consistently applied by all staff and between offices (paragraph 4.5).
- 3 The FPS should develop a system to ensure that all advice given to investigators is recorded and cross-referred to the case file (paragraph 5.14).
- 4 The FPS should ensure that ancillary matters are considered and any advice recorded at the pre-charge stage (paragraph 5.23).
- 5 The FPS should introduce a uniform system for identifying case progression and witness issues (paragraph 6.12).
- 6 The FPS should ensure that systems for selection of counsel are robust and consistent (paragraph 9.6).
- 7 The FPS needs to bolster its capacity to manage change effectively (paragraph 10.15).
- 8 The FPS should implement a more formal induction programme for new staff (paragraph 10.19).
- 9 The FPS should review its current methods of predicting prosecution costs, with a view to improving the accuracy of forecasts (paragraph 11.7).
- 10 Managers need to ensure that there is an effective system for managing performance at individual level and that remedial action is taken where appropriate (paragraph 12.8).
- 11 The senior management team should engage with criminal justice partners with a view to implementing a more formal joint performance management regime that enables all agencies to learn from experience and continually improve performance (paragraph 12.11).

Strengths

- 1 The composition of FPS casework teams is regulated to ensure that the correct level of skill and experience is applied according to the degree of difficulty presented by the case (paragraph 4.8).

- 2 The systems in place to provide early investigative advice are sound and the quality of the advice given to police investigators is consistently high (paragraph 5.17).
- 3 FPS caseworkers take an active joint approach to case progression which places pressure on the defence and ensures that hearings and trials are effective as often as possible (paragraph 6.14).
- 4 The quality of letters of request is high (paragraph 8.18).
- 5 The FPS has quickly enhanced its reputation through the hard work of its staff and the quality of casework (paragraph 10.2).
- 6 The caseworkers in the York office work hard to provide an excellent level of support to advocates in the Crown Court (paragraph 11.23).
- 7 The quality and coverage of casework supervision by senior managers is very good (paragraph 12.1).
- 8 Senior managers are highly respected internally and externally and this has contributed to an improved reputation among other fraud and criminal justice agencies (paragraph 13.2).
- 9 Managers are constructive and collaborative in their dealings with partner agencies (paragraph 13.13).

3 REGULATING THE CASELOAD

Setting the acceptance criteria

- 3.1 In common with other prosecuting agencies, including the SFO, the FPS has published criteria which represent the minimum requirements for the acceptance of a case (set out in Annex B and the Guide to the preparation of fraud cases 2008).
- 3.2 The unique role of the FPS requires that its caseload is carefully controlled and understood. This is particularly important in light of the tighter budgetary constraints across the CPS at present. Appropriate acceptance criteria are an essential tool for the regulation of the size and complexity of caseload, whilst also ensuring that appropriate cases are referred to the FPS from investigators and other units within the CPS. The current version of the criteria allows an element of discretion, so that the CPS area group CCUs and CPS Headquarters casework divisions can retain serious fraud cases when appropriate. However, all such units within the CPS must know when to notify the FPS that such a case exists. This will allow the FPS to play its role as the centre of excellence by taking the case on, or by offering its services in an advisory capacity.
- 3.3 The current acceptance criteria, which have been updated recently to raise the minimum value limit to £750,000, refer to the close relationship between the FPS and the City of London Police ECD on the one hand, and the Metropolitan Police Specialist Crime Directorate (SDC6) on the other. Whilst some room for manoeuvre is retained, there is an implication that cases investigated by these forces will be referred to the FPS in the first instance. This could amount to external 'gate-keeping' which would reduce the ability of the FPS to regulate its own caseload. The implications could be more substantial if the City of London Police, as lead force, takes over investigation of serious fraud cases nationally, because the volume of its work would increase accordingly.

Applying the acceptance criteria

- 3.4 It is accepted by the FPS that for operational reasons the previous acceptance criteria were not robustly applied, so that simple cases of low value were being prosecuted by them. This is confirmed by our file examination. Some staff are concerned that the size of the caseload is not being controlled effectively and that this is a cause of some of the workload issues which are referred to at paragraphs 11.13 and 11.14. They consider that the growing caseload contributes towards the delays reported by external stakeholders.
- 3.5 It is the stated intention of FPS managers to apply the criteria more robustly from now on. However, there is no system for recording acceptance decisions, either centrally or on the case file. Only two out of 34 relevant cases in the file sample referred to the acceptance decision. Therefore, the FPS cannot know with any degree of certainty how well the criteria are being applied and, therefore, whether the criteria need to be revised further.
- 3.6 Strictly speaking, only the Director and Assistant Director can authorise acceptance of a case. Our observations indicate that this does not always happen, particularly in respect of those referred directly to prosecutors for advice. Therefore, a central log of acceptance decisions needs to be developed as a management tool. This could be linked to the log of early investigative advice referred to at paragraph 5.13 to ensure that all acceptance decisions are recorded.

- 3.7 The dissemination and application of the acceptance criteria also have a role in defining the profile of the agency to the outside world. Whilst the Director FPS has worked hard to raise the profile with the CPS areas, it still lacks clarity, and there is further room for improvement. This is growing in significance because the role of the CCUs, which have been formed at group level throughout the CPS, also includes the prosecution of complex fraud. Therefore, there is a degree of overlap and potential confusion which needs resolving at an early stage.
- 3.8 There is also a significant overlap between the new FPS criteria and the SFO's acceptance criteria (shown at Annex C), which include a minimum value of £1 million. Sensible application of acceptance criteria by both organisations would resolve most issues as it does at present, but the overlap creates the potential for dispute and this will impact on the work of the joint vetting committee, which allocates fraud cases between the SFO, CPS and other agencies. Senior managers should therefore consider working with external fraud prosecution agencies to develop the work of the committee³ and to ensure that cases are allocated to the agency best suited to their prosecution. There is also a wider need for clarity as to the strategic fit of the FPS within the overall arrangements for prosecuting fraud. We recognise that this is not solely within the gift of FPS managers.

ASPECTS FOR IMPROVEMENT

Together with other relevant organisations and CPS areas, the FPS should take further steps to ensure that its acceptance criteria are more widely known, and that appropriate cases are referred to it for consideration. It should log all acceptance decisions.

Allocating the caseload

- 3.9 Once accepted, cases are allocated by the Director FPS and Assistant Director, but there are no clear and structured arrangements for doing this. Whilst there is no evidence of unfairness senior managers sometimes allocate cases without reference to each other, or caseload data. In any event the available data, which includes CMS print-outs, weekly reports by caseworkers and monthly reports by lawyers, can lack accuracy and reliability. This is complicated by the reluctance of some lawyers to make the relevant returns or use CMS effectively.
- 3.10 In complex casework, the number of cases is not of itself always a clear indicator of the level of workload. This is compounded by the lack of systems for assessing how efficient the lawyers and caseworkers are (considered in detail at paragraphs 12.4 and 12.5). Therefore, managers are largely dependent on their own observations and informal feedback from staff as to their capacity for new work. There is an associated risk that cases are not always allocated as well as they might be. Another complicating factor is the growing incidence of police officers exercising some control in their choice of prosecutor, either by telephoning them direct or by tactically selecting when to attend a charging surgery.

3 The SFO and CPS form a joint vetting committee to allocate cases which might be borderline for acceptance by the SFO. An Association of Chief Police Officers representative also attends.

- 3.11 The cumulative affect of this, and uncertainty over future caseload trends, makes it more difficult for the FPS to assess accurately the need for new resources and make out a business case for recruitment needs. It also prevents the Service responding effectively to the complaint of some staff, and the impression held by external stakeholders, that lawyers and caseworkers are significantly overloaded.

Supervising the caseload

- 3.12 Overall, our file examination showed appropriate management involvement in 97.2% of cases, (discussed in detail in Chapter 12).
- 3.13 Lawyers are requested to provide a written report on their caseload monthly and caseworkers provide managers with weekly reports on theirs. These are reviewed by managers so that issues can be identified. Whilst the system is sound, it depends for its effectiveness on the regular receipt of reports and some lawyers are less compliant than others.
- 3.14 Cases of unusual size or complexity are entered into the difficult case log by the Director at the monthly review, or by the reviewing lawyer, and are then subject to monthly face-to-face review with the Director following submission of a note detailing progress on key issues.
- 3.15 Case management panels (CMPs) are employed when the relevant criteria apply. Cases in which the trial is expected to last between eight weeks to six months are subject to local CMPs and those expected to last more than six months are subject to the DPP's CMP. The DPP has the additional discretion to place any case under his own CMP. At the time this report was being written the FPS had two cases subject to the DPP's CMP and four others subject to local CMPs, which are attended by a representative from CPS Headquarters to ensure consistency.
- 3.16 There is general acceptance that CMPs add value in quality assuring the preparation of complex cases, confirmed in our file examination, but the records of CMP deliberations are not always easy to locate on the file and inspectors found only one example where it was properly recorded. This causes difficulty in assessing their value and ensuring that the recommendations are followed up.
- 3.17 The adverse case reporting system requires that reports are prepared for all unsuccessful outcomes but their quality is variable, particularly in relation to the level of detail given and the analysis of the causes of the outcome. There is some evidence of lessons being identified although, in some instances, there appeared to be a reluctance to learn (opting instead to blame other agencies). Where learning points were identified it was not always clear if these had been disseminated widely.

4 GENERAL CASEWORK HANDLING

General

- 4.1 The quality of FPS casework handling is relatively high. Legal decision-making and strategic case planning is often thoughtful and thorough and case progression is effective.
- 4.2 With an increasing caseload of about 250 cases at the time of writing, the FPS achieved an overall successful outcome (conviction) rate of 82% in 2007-08. This compares favourably to the CPS national figure in the Crown Court of 80% and the 61% achieved by the SFO, but less well to the CPS Counter Terrorism (92%) and Organised Crime Divisions (91%). In the majority of cases which included an unsuccessful outcome recorded against an individual defendant, at least one other defendant in the same case was convicted (outcome data is recorded by defendant rather than by case). This level of achievement is reflected in our file examination which showed that an appropriate level of professionalism was exhibited in 91.7% of cases and in 94.4% there was a suitable level of proactivity.
- 4.3 This is due in no small part to the skill and experience exhibited by most FPS lawyers and caseworkers, many of whom were recruited from CPS Headquarters Special Casework Directorate in 2006 for their experience in dealing with complex cases, and fraud work in particular. Other contributory factors include: effective teamwork, internally and with partners; a high level of individual commitment to casework; and appropriate management involvement. These achievements are all the more significant in the context of the complex character of serious fraud prosecution work.
- 4.4 However, there is room for improvement in certain aspects of casework, which include record keeping, instructions to counsel, and the extent to which CMS is utilised. Where systems exist, such as that for the secure keeping of sensitive unused material schedules (referred to in detail at Chapter 7), they are not always applied consistently. Other aspects of casework lack any system, for example the logging of public interest immunity applications. Therefore, the FPS needs to create some casework systems, improve others, and ensure that all of them are applied consistently.
- 4.5 In particular, the FPS senior managers need to address the inconsistencies between the casework systems between the London and York offices. For example, the data underpinning the system for selecting expert witnesses is kept in London and it is not readily available to staff in York.

ASPECTS FOR IMPROVEMENT

The FPS should work to ensure that more standard casework systems are put in place, that they are complete, and are consistently applied by all staff and between offices.

Internal teamwork and continuity

- 4.6 Each case is prosecuted by a team which includes, at the very least, a lawyer and caseworker. The lawyer is allocated by the Assistant Director and the caseworker by the CBM. More serious and complex cases, which should include all those recorded on the difficult case log, are prosecuted by a team led by the Director or Assistant Director. Therefore, staff work in different combinations, according to their experience and capacity, and the requirements and circumstances of the individual case.

- 4.7 FPS lawyers and caseworkers are accessible to external partners including the police and the courts. Correspondence is handled efficiently and there is no evidence of significant delay in dealing with external queries or requests for information. This is aided by a high degree of continuity and case ownership, which is reported by stakeholders. Our examination of 36 cases showed no change of prosecuting lawyer or caseworker without very good reason. These factors are a major contributor to the increased confidence of partners in the performance of the Service.
- 4.8 Where continuity cannot be maintained for good reason (staff secondment for example), FPS managers have been able to reallocate work in a manner that minimises disruption. However, there is no formal system for ensuring that hand-over notes are left or that the new lawyer or caseworker is fully briefed by the outgoing colleague. Inspectors noted one case where the briefing was carried out in effect by counsel and the investigating officer.

STRENGTHS

The composition of FPS casework teams is regulated to ensure that the correct level of skill and experience is applied according to the degree of difficulty presented by the case.

Decision-making

- 4.9 External stakeholders expressed satisfaction with the quality of decision-making and this was confirmed by our analysis of the file sample. The Code for Crown Prosecutors' (the Code) evidential test was applied correctly at the pre-charge decision stage in 34 out of 35 cases, in 24 out of 25 post-charge reviews and all three decisions to discontinue. There were some good examples of thoughtful and thorough decision-making linked to strategic planning.
- 4.10 Despite this strong performance in relation to the basic charging decision and the good examples, not all strategic handling is consistent with the principles of proactive prosecution. In some cases more effort could have been made to identify and combat possible defence strategies and to consider the impact of the case coming to an end against one defendant, on the strength of the case against another.

File management and endorsement

- 4.11 There is significant room for improvement in relation to record keeping, organisation and file endorsement.
- 4.12 The files in our sample were properly endorsed with all appropriate information in 72.2% of cases (not including review notes which are dealt with at paragraph 4.17 below). In some cases bail conditions were missing and in others manuscript reviews illegible. Many files lacked a formal note of a critical tactical decision and most lacked a full audit trail of some telephone conversations and e-mails. In one case, a review note was kept on a notebook separate from the file.
- 4.13 There are documented systems for the organisation of files, but these are rarely applied in full. Caseworkers tend to follow the systems imposed by the reviewing lawyer and these vary from individual to individual. We found that most files are sufficiently well organised and easy to follow. In 80.5% of cases the organisation was satisfactory or better and in 11.1% was excellent. However, a significant minority appear very disorganised with papers missing, in the wrong place, loose on the file, or even placed on a different case file.

- 4.14 Separate files relating to a common topic are not always cross-referred or indexed before they are archived. For example, asset seizure files are rarely referred to in substantive case files and lever arch files containing case papers are not always correctly labelled. Quality assurance checks by the Director have identified similar issues, but the problem persists. There is scope for greater management involvement in improving the quality of file endorsement and organisation.
- 4.15 Many of these issues are not restricted to the FPS, and most of them have been noted in relation to the CPS as a whole in HMCPSI's recent Audit of CPS file management and organisation (May 2008).

RECOMMENDATION

FPS managers, lawyers and caseworkers improve compliance with national standards for file endorsement.

CMS as a casework tool

- 4.16 All relevant staff have been trained to use CMS at a basic level, but despite persistent management reminders some lawyers have declined to use it at all, although there were indications of slight improvements recently. Conversely, the caseworkers are highly proficient and make entries on behalf of some lawyers. Whilst this ensures better performance against compliance targets, there is a risk of errors arising from the transcription of another's manuscript notes onto the CMS document. This could have significant impact where the entries relate to charging and review decisions. Managers will need to make persistent refusal to use CMS a performance issue for those concerned.
- 4.17 Some files have a clear audit trail of all key actions and decisions on CMS, but in others important documents and information are often missing. For example, our file sample showed that only 41.4% of post-charge review decisions were recorded on CMS. Whilst almost all charging decisions are recorded on the system, a significant number are entered late, sometimes after the first hearing date and occasionally after the case has concluded.
- 4.18 In most cases some correspondence and documents were generated on CMS. However, it does not lend itself to all aspects of FPS work and alternative solutions have been developed for some common issues; for example, the creation of witness warning forms in cases with very high numbers of witnesses. A central log of CMS problems is kept in the London office, but not all staff fully understand how the reporting system works.
- 4.19 Historically the FPS staff have found it difficult to meet the timeliness targets for updating and finalising cases in CMS. Since March 2008 there has been a significant improvement in recording outcomes, partly because result sheets are now faxed to the office from court, and partly due to the concerted efforts of the administrative staff. The current national targets are now being achieved, but clearly there is some way to go before CMS usage can be considered to be fully effective.

- 4.20 Whilst the paper file is the formal record CPS staff are required to use CMS for the preparation of as many documents, and the completion of as many casework tasks, as possible. This assists continuity and flexibility in that the case can be viewed when the papers are elsewhere (in court for example), and it allows the collection of certain performance data. In the FPS the level of CMS usage varies tremendously dependant upon the individual involved and our file examination showed that CMS was used for core casework tasks in only 55.6% of cases. There are issues over timeliness and completeness of entries and some of the helpful functions such as task lists and management reports are not used effectively. Our file examination showed that escalated tasks were showing on CMS in relation to 40% of cases, although in some of these it was not easy to ascertain whether or not the task was still outstanding.

RECOMMENDATION

The FPS improve its systems for ensuring that all staff use the case management system as a casework tool.

5 THE PRE-CHARGE STAGE

Systems

- 5.1 The complexities associated with fraud cases make investigators more inclined to seek advice from prosecutors early on, sometimes before an arrest is made. This approach has hardly been affected by the implementation of the formal pre-charge advice system⁴, in that early investigative advice was sought and given in 44.7% of cases which were later subject also to formal pre-charge decisions (PCDs) in our file sample. However, it has required the FPS to develop systems which allow prosecutors to provide both services effectively.
- 5.2 A significant degree of flexibility is important because cases are referred for early investigative advice and PCDs from a number of different sources. Most cases are referred from the Metropolitan Police SCD6 and City of London Police ECD. A proportion of cases are referred by police forces and CPS areas outside London and a small number from international police networks. Some simple requests are for informal advice on narrow points of law and others require formal charging decisions in very large cases.
- 5.3 In addition to flexibility, this requires willingness to travel long distances at short notice in some instances. Therefore, the FPS employs a combination of systems to provide early investigative advice and charging decisions. These are effective in allowing the provision of good quality advice on pre-charge matters, although police investigators and senior officers report that timeliness is becoming an issue.
- 5.4 Since 2006, fortnightly charging ‘surgeries’ have been held at the offices of SCD6 and ECD, where senior lawyers are rostered to give advice to officers who attend by appointment. This can include formal PCDs but also includes early investigative advice on tactical and legal matters such as letters of request and applications for restraint orders.
- 5.5 The take up of charging surgery appointments is now reducing as lines of direct communication are developing between officers and lawyers as they get to know each other, and officers increasingly feel able to contact lawyers direct by telephone or e-mail, rather than wait for a surgery appointment.
- 5.6 Officers view some prosecutors as more robust and less ‘risk averse’ than others and it is possible, therefore, that they are now choosing the route for advice according to the lawyer rostered to attend the surgery. This could lead to an unbalanced casework distribution between lawyers according to how they are perceived by officers.
- 5.7 In general, however, the development of sound personal relationships enhances further the quality of the decision-making process and mutual confidence in it, although it places greater onus on lawyers to make comprehensive records of advice given outside the formal surgeries, and this is referred to below.
- 5.8 Early advice and PCDs are provided to police forces outside London, and CPS areas, on request. The initial request is often made by e-mail to the Director FPS or Assistant Director, as requested in the guide to preparation of fraud cases handbook. Sometimes lawyers travel to give face-to-face advice in difficult cases. Some cases are dealt with in the York office but most are still handled from London.

⁴ Section 37 Police and Criminal Evidence Act 1984, as amended.

- 5.9 Some charging decisions are still given on receipt of a full advice file. This will often lead to a face-to-face conference, or at least a telephone call or e-mail exchange, whichever is the most appropriate. Police investigators report that reviewing lawyers are accessible to them and will provide face-to-face advice when appropriate.

Police file quality

- 5.10 The quality of police files in our file sample was generally good. FPS managers are generally content with the files they receive, although this depends on the force, but there are no formal systems for assessing their quality.
- 5.11 The City of London Police formally raised concerns over timeliness in a recent meeting with FPS managers, but concerns raised by prosecutors and caseworkers over police file quality issues were not formally raised at joint meetings. Therefore, a decline in overall quality tends to be noticed by lawyers, but this is not always fed back to police managers, perhaps because it is not a fixed item on the periodic joint management meetings.

Record keeping

- 5.12 The combination of systems used for providing advice and decisions poses a challenge in relation to record keeping.
- 5.13 The CBM keeps a central log of advice given at charging surgeries. However, the entries are not cross-referred to case files so that there is not always a clear audit trail from first contact to the charging decision. Also, the central log does not record informal advice given on the telephone or by e-mail. Now that investigators are contacting lawyers direct for investigative advice more frequently, systems need to be strengthened to ensure that such advice is recorded and cross-referred to the case file.
- 5.14 Ensuring that investigative advice is captured will allow senior management to quality assure the advice given and assess the size of the caseload being dealt with on an informal basis. In turn, this will also allow managers to predict more accurately future caseload volume and plan resources more effectively. The log could also be used to record the reasons why cases are accepted or rejected at an early stage, an issue considered in greater detail at paragraph 3.6.

ASPECTS FOR IMPROVEMENT

The FPS should develop a system to ensure that all advice given to investigators is recorded and cross-referred to the case file.

- 5.15 Formal PCDs are generally recorded well on the MG3 form. Our file examination showed that the forms were completed adequately in 90.6% of cases. However, in some cases the MG3 was not copied onto the file, possibly leaving the advocate unsighted at the first hearing. In some other cases it is imported onto CMS late, which can be problematic.
- 5.16 In some cases the MG3 contains a summary of the detailed advice which is recorded and kept on a separate document. Given the complex nature of some cases, these documents represent useful strategic plans which tend to be of high quality.

Quality of early investigative advice

- 5.17 Early investigative advice was given in 44.7% of cases in our file sample and on the evidence available the lawyer actively sought to add value to the investigation in 88.2% of these. This level of proactivity has contributed to an atmosphere of mutual respect and enhanced co-operation between investigators and prosecutors. Investigators also reported to inspectors that the systems involved are particularly effective because they are flexible and relatively informal. The challenge for the FPS is to secure the benefit of this approach whilst ensuring that the fact of advice being given and its terms are recorded so that they can be linked to any future file(s) submitted.

STRENGTHS

The systems in place to provide early investigative advice are sound and the quality of the advice given to police investigators is consistently high.

- 5.18 One of the benefits of informal early investigative advice is that the investigators should receive early indications as to which suspects might eventually be charged. This, in turn, should reduce the proportion of suspects who are not charged when the case comes for a formal PCD. However, this has not yet been achieved in relation to FPS cases. Of the 309 suspects whose cases were brought for a PCD (finalised in 2007-08), a total of 114 (36.9%) resulted in a decision not to prosecute, which is higher than CPS national performance (29.1%). Whether this is related to the complexity of the casework, the quality of files submitted or the number of cases involving multiple suspects is unknown as no analysis of the data is undertaken.

Quality of pre-charge advice

- 5.19 The effectiveness of systems for the provision of advice during the investigation stage is also reflected in the successful outcome rate for cases that received pre-charge advice, which was 85% in 2007-08. This compares well to the national rate and it confirms that the quality of pre-charge advice decisions is sound.
- 5.20 Our file examination showed that the Code is generally applied correctly, and some charging decisions were excellent, in that the lawyer showed a high degree of skill and proactively in the face of legal and factual complexity. There was only one case in our file sample of 36 where a PCD was fundamentally flawed, in that there was no evidence available to prove an essential component of the offence. However, it should be borne in mind that many of these cases involved multiple defendants and that a separate Code test decision will have been made against them all individually.
- 5.21 External partners, including police investigators, confirmed to inspectors that the quality of pre-charge advice has improved with the creation of the FPS. As a result, police have more confidence in FPS charging decisions and there is now a general willingness to accept advice to drop cases at the pre-charge stage. In turn, this might be a reason behind the relatively high rate of cases dropped at the pre-charge stage which is referred to at paragraph 5.18.
- 5.22 Whilst the decision to charge is usually correctly taken, our file sample disclosed a lack of proactivity on occasion. In 29% of cases (nine out of 31), the charging decisions were taken without successfully attempting to foresee issues that might affect the viability of the prosecution.

- 5.23 Current charging guidance requires that certain ancillary matters are taken into account at the point that charging advice is given. On the available evidence, only 50% of the 34 relevant cases in our file sample showed that matters such as witness issues and the content of relevant unused material were considered at charging. In only 40% of relevant cases (12 of 30) was there evidence that asset seizure was considered. The character of serious fraud cases means that it is not always appropriate to consider such matters at charging, but these figures are still lower than might be expected. It is also possible that consideration has been made but the apparent omissions are due to inconsistent recording.

ASPECTS FOR IMPROVEMENT

The FPS should ensure that ancillary matters are considered and any advice recorded at the pre-charge stage.

6 POST-CHARGE CASE HANDLING

Record keeping

- 6.1 The problems highlighted in relation to record keeping, file endorsement and CMS usage at paragraphs 4.11-4.20 are reflected in the fact that all review decisions were recorded on CMS in only 41.4% of cases in the file sample. In some of those, the CMS review was not printed and copied onto the file. This undoubtedly has a significant impact on the ability of prosecutors to work on each others' cases, recall strategic decisions made on their own cases, and the ability of FPS managers to quality assure post-charge reviews.

Timeliness of review

- 6.2 Under the FPS system each case should have an individual plan drawn up according to a template. Whilst these are only prepared when cases are known to be contested, which is often after arraignment (the point at which the defendant is required to enter a formal plea to each count on the indictment), this system is sufficient if the pre-charge advice has been proactive. Conversely, if foreseeable issues have not been identified at the pre-charge stage (see paragraph 5.22), further delay can be caused by the lack of a settled and documented case strategy before the plea and case management hearing (PCMH).
- 6.3 Most cases are prosecuted vigorously, but our file sample disclosed some examples of case 'drift', where review was delayed. External stakeholders also refer to increasing delay which they believe to be attributable to a lack of resource, although this has yet to be confirmed or quantified.
- 6.4 Our file examination revealed that on the available evidence, only 45.7% of cases were kept under continuous review. There was clear evidence of pre-committal review in only 59.3% of relevant cases and there was a pre-trial review in only 62.5% of relevant Crown Court cases. In one instance an error made at charge was not identified until after the case had been committed then set down for trial in the Crown Court. Another case went without review for a whole year. The FPS has taken steps to deal with the current backlog of case reviews, including the recruitment of a barrister on a short fixed term contract, but this is only a temporary solution.
- 6.5 Greater compliance with the requirement to record reviews on CMS would enable managers to identify cases which had not been appropriately reviewed.

Quality of review

- 6.6 The quality of post-charge review is generally good and, in the main, FPS lawyers actively consider case strategy frequently and in depth once the case is clearly contested. External stakeholders also report that issues are identified at the appropriate time following proper analysis of the evidence and application of the law. Only one case in our file sample contained a flawed evidential Code test decision, in that the threshold test⁵ was applied in error when the full evidential test should have been applied.

5 Under the Code for Crown Prosecutors the threshold test only applies in limited circumstances at the pre-charge stage. It is met when there is a reasonable suspicion that the suspect has committed the offence in question. There are no circumstances under which it is acceptable to apply the threshold test during a post-charge review. It is always necessary to apply the full Code test, which requires a realistic prospect of conviction.

- 6.7 As with PCDs, the main identifiable weakness is an occasional lack of foresight in identifying the impact of changing circumstances, particularly in relation to co-defendants. Our file sample included three cases which were later discontinued or where no evidence was offered by the prosecution. The Code evidential test was applied correctly in all three decisions to stop the case, albeit later than might be expected. One arose from the flawed charging decision which is referred to above. The other two arose from the failure of the charging lawyer to foresee the impact on the case against co-defendants of another defendant pleading guilty.
- 6.8 A fourth case (which was erroneously recorded as a discharged committal), was discontinued in effect by the reviewing lawyer, following unavoidable delay by the investigator. This decision was premature, in that the court might have granted an adjournment under the circumstances. However, the application of the Code public interest test was not applied correctly in the subsequent decision not to reinstate the case when the investigator was available to prepare the full file.

Case progression

- 6.9 Inspectors received mainly positive feedback from the courts, investigators and defence solicitors on the proactivity and quality of FPS case progression. This is supported by our file examination which revealed that all relevant cases were proactively progressed through the magistrates' courts, compared to 89.3% of relevant cases in the Crown Court, and that the prosecution was ready for all hearings in 85.7% of relevant cases in the Crown Court. However, the systems for achieving this are not resilient and could be vulnerable in the case of an increased caseload.
- 6.10 Our file examination revealed a joint approach to case progression with partner agencies in 96.8% of relevant cases in the magistrates' courts and 89.3% in the Crown Court. The relationships between FPS caseworkers and police investigators are generally sound, assisted by the fact that investigators tend to attend most hearings and caseworkers have only a limited number of cases to deal with. Nonetheless, this positive relationship helps ensure that directions are complied with and that hearings are effective. Where counsel is instructed in the case, they generally form part of an effective prosecution team where communication is good and all parties tend to feel included.
- 6.11 The FPS policy of caseworkers acting as case progression officers (CPOs) on their own cases works well at present. Inspectors received positive feedback from HM Courts Service in relation to FPS case progression, but court CPOs and the judiciary would be assisted by the provision of a weekly spreadsheet identifying case progression and witness issues. Such a tool could also be used internally by FPS as a central master reference document.
- 6.12 Various methods are used to track key dates including electronic and manual diaries, logs and submissions forms. Caseworkers are often required to follow the system preferred by the reviewing lawyer and this varies from individual to individual. This inconsistent approach presents the risk that dates will be missed and directions breached.

ASPECTS FOR IMPROVEMENT

The FPS should introduce a uniform system for identifying case progression and witness issues.

- 6.13 Nonetheless, cases are generally ready to proceed at first hearing and sometimes they can be committed on the first hearing without adjournment. Committal preparation is sufficient and timely on the whole, with 85.2% of relevant cases in our file sample committed at the first attempt. However, the sample contained one case which was discharged unnecessarily when delay was foreseen by the lawyer. In sent cases⁶ papers are generally served on time, with occasional exceptions.
- 6.14 All 34 relevant cases in the sample were progressed effectively by the FPS. In fact, they contained examples of proactive and assertive case progression, which had the effect of placing pressure on the defence. In all relevant cases communications with other parties were prompt and in all but one the content was appropriate. Therefore, despite the lack of a unified action dating system, the individual commitment of caseworkers to their own cases helps ensure that directions are met and that trials are effective.

STRENGTHS

FPS caseworkers take an active joint approach to case progression which places pressure on the defence and ensures that hearings and trials are effective as often as possible.

Cracked and ineffective trials

- 6.15 Whilst the anecdotal evidence is that few trials are cracked or ineffective for reasons attributable to the Service or the police, neither the FPS nor HM Courts Service keeps a record of FPS cases which involve cracked, ineffective or vacated trials. This is partly because the court does not distinguish FPS cases from CPS cases generally. An agreement has been reached that the FPS would introduce a system for monitoring cracked and ineffective trials but this has yet to be implemented. Therefore, the provision of a weekly spreadsheet of FPS cases would assist the court in collecting this data.

6 Indictable only cases are 'sent' to the Crown Court at the first hearing in the magistrates' court, subject to certain rare exceptions.

7 DISCLOSURE

Quality of disclosure decisions

- 7.1 Disclosure performance has improved over the last year, although there is still some room for further work. In 81.5% of relevant file sample cases the legal decision-making in relation to the handling of unused material appeared to be sound on the available evidence. The overall handling of disclosure was satisfactory in 76.9% of cases, albeit the FPS operates a variant of the usual disclosure arrangements.
- 7.2 The Disclosure Champion has identified that lawyers vary in the approach they take to examining the unused material itself. Some rely entirely on the police disclosure officer's description without requesting sight of the material itself, while some personally inspect all the material. Others combine these two approaches, which is more in keeping with the terms of Chapter 10 of the Disclosure Manual (the guide to disclosure principles and procedures, agreed by the CPS and Association of Chief Police Officers (ACPO), which came into force in 2006).
- 7.3 Inspectors identified one case which illustrated the risk of accepting the police entries in the schedule of unused material without examining the material or seeking further clarification from the disclosure officer. The indictment was stayed⁷ when it was discovered that the bad character of a main prosecution witness (which could have served to undermine his credibility) was not disclosed to the prosecution, defence or the court until the day before the trial was due to start. In effect, the prosecutor had relied on the disclosure officer to list all relevant material and this item was not included.
- 7.4 Conversely, some lawyers spend time which could be used on other tasks reading through large amounts of material, which is described sufficiently in the police entries on the schedule of unused material. Therefore, a more consistent and corporate approach should be developed in accordance with the terms of the Disclosure Manual.
- 7.5 Feedback from stakeholders confirms that the practice of granting 'blanket' disclosure of all unused material items, without reference to the Criminal Procedure and Investigations Act 1996 regime has now ceased and that FPS lawyers now resist unmeritorious defence applications to disclose material. Also, caseworkers are proactive in requesting defence statements to assist case progression and reduce the risk of an ineffective hearing.
- 7.6 Inspectors ascertained that the FPS approach is for a disclosure protocol to be prepared and served in complex cases, but even this does not happen systematically. In fact, the existence of such a documented system confirms a lack of consistency in the approach taken by lawyers. The 'protocol' is in reality a statement of how the particular lawyer will handle the case in disclosure terms.
- 7.7 Our file examination showed that unused material was well organised in 81.5% of cases, although the standard system for file organisation is not always followed. There was an accurate audit trail of decision-making and disclosure actions in 75% of cases. However, the schedules were properly endorsed in only 65.4%, although there is evidence that incomplete schedules are returned to the disclosure officer for further entries or detail to be added.

7 The Crown Court has the power to stay an indictment (end the case) if it finds that its own processes have been abused. The relevant law is complex, but the basic principle is that the indictment will be stayed against a defendant if it is felt that he can no longer have a fair trial, or if it would be unfair to try him, as a result of the abuse.

RECOMMENDATION

The FPS should develop systems for ensuring that prosecutors take a uniform approach to examining unused material, consistent with the terms of the Disclosure Manual.

Role of the Disclosure Champion

- 7.8 The champion has identified the inconsistency in approach between lawyers, but he currently lacks a mandate or sufficient authority to address the issue. He also lacks a clear job description, which hampers the ability to lead on disclosure issues internally and liaise with other champions. Whilst he has drafted a guide to disclosure, the champion plays no role in performance analysis, quality assurance, or dissemination of good practice.
- 7.9 At present, the Director FPS takes on this role informally, reviewing disclosure as part of the casework quality assurance process and circulating legal developments and learning points by e-mail. Whilst there has been no joint training on disclosure to date, a training day is planned which will include an element of this.

RECOMMENDATION

The FPS formalise the role of its Disclosure Champion.

Sensitive material

- 7.10 Inspectors examined the arrangements for ensuring the security of sensitive material in London, where there are robust systems including action logs and periodic checks. Systems are less structured in the York office and FPS management need to ensure consistency.
- 7.11 Inspectors noted that the system for holding sensitive schedules of unused material is not always applied and that they are sometimes sent to archive with the main file.

8 ANCILLARY CASEWORK

Drafting

- 8.1 The quality of legal drafting, which includes court forms, applications and pleadings, is usually sound. There were no examples of unsatisfactory drafting in our file sample and only two out of eight defence solicitors who felt able to comment stated that the quality of drafting was unsatisfactory.
- 8.2 The quality of other documents such as Direct Communication with Victims (DCV) letters and instructions to counsel is less good (referred to in detail at paragraph 8.6).

Witness care

- 8.3 The FPS does not have its own witness care unit (WCU). It is dependent for its front-line witness care on WCUs local to the investigating force, most of which are managed and staffed by the police. In complex cases crossing police force borders, and involving large numbers of witnesses, specific one-off agreements are made to ensure appropriate witness care. Complaints from areas are rare and the FPS is generally successful in ensuring that prosecution witnesses attend trial in good time, able to give good quality evidence.
- 8.4 Although witness issues are rarely addressed at the time of charging, special measures are usually considered and applied for in good time for trial. Difficulties in applying CMS to witness warning tasks are overcome by the diligence of case workers. 'Batting orders' (the order in which it is planned witnesses will give evidence, including likely dates and times) are usually drafted and trial judges are kept abreast of witness issues. Video link is used in cases where witnesses are based overseas and a great deal of effort goes into ensuring that arrangements are effective. However, this is another way in which the courts would benefit from the submission of a weekly case progression spreadsheet highlighting any witness issues on forthcoming trials.

Direct Communication with Victims

- 8.5 The FPS has recently prepared a protocol which sets out the role of caseworkers, lawyers and administrative staff in the DCV process. These arrangements require the CPS to write an explanatory letter to any identifiable victim within set time limits if a case is discontinued or the charges materially changed. The protocol has yet to be adopted and some staff are still unclear as to the process. Whilst in some cases there is good reason to delay the sending of the DCV letter, there is a general assumption among FPS staff that DCV timeliness targets have little relevance in fraud prosecution, due to the misplaced perception that there are very few identifiable victims in fraud cases. This needs to be challenged. Our file examination revealed that DCV communications were sent in only 42.9% of relevant cases.
- 8.6 The quality of DCV letters is variable in that the authors occasionally use 'legalese' and inappropriate standard phrases from the template are not always edited out. However, they are generally sufficient for the purpose.

Expert witnesses

- 8.7 Forensic accountants are usually instructed by the police as part of the investigation and there are no plans to return to the multidisciplinary approach referred to at paragraph 1.13.
- 8.8 When expert witnesses are required there is an effective system for ensuring that they are engaged at the appropriate time, for the appropriate fee, and that they are instructed clearly in relation to a specific, limited, aspect of the case. In all eight relevant cases in our file sample the expert witness was instructed at the appropriate time.

Asset seizure

Pre-charge restraint

- 8.9 The role of the CPS in relation to restraint is set out by a 2002 service level agreement between the CPS and ACPO. However, the FPS has recently attempted to define its role more precisely in relation to applications for restraint orders and the degree of involvement it should have. The stated policy is now contained in the guide to preparation of fraud cases handbook which has been circulated to all relevant agencies.
- 8.10 This may go some way to resolving the varying expectations of police officers. For example, SCD6 has a different view of the expected level of FPS involvement to ECD and, given that some lawyers complain that restraint-related work takes up a disproportionate amount of their time and others are hardly involved in this type of work, the FPS needs to ensure that its policy is disseminated and enforced effectively.
- 8.11 The lack of consistency might be due in part to the fact that some FPS lawyers have received limited training on the subject and this needs to be addressed.

Post-conviction confiscation

- 8.12 There is less certainty about the FPS role in relation to post-conviction confiscation, where some lawyers allow counsel to advise the police and take instructions from them direct, while others stay fully involved until the confiscation order is obtained.
- 8.13 Asset seizure files are rarely referred to in substantive case files and rarely cross-referred to other files where asset seizure details are kept. For this reason it is hard to tell whether the FPS is taking all opportunities to apply for suitable confiscation orders. On the evidence available, it did so in only 42.9% of the relevant cases in our file sample.

RECOMMENDATION

The FPS develop systems to ensure that its stated policy in relation to restraint and confiscation orders be disseminated to all relevant parties and applied robustly by its staff.

Custody time limits

- 8.14 There have been no custody time limit (CTL) failures since the FPS was set up, although it should be noted that a relatively low proportion of FPS cases involve defendants in custody.
- 8.15 The system for managing CTLs is compliant with CPS minimum standards, well documented and understood by all relevant staff. It involves clear endorsement of custody files, diary entries for review and expiry, prompt applications for extensions, and entries on white boards in the offices. The importance of CTL compliance is frequently underlined through team meetings.
- 8.16 The system is applied more strictly in London than York, but all York cases are covered by the London checks, so there is limited risk attached given that caseworkers tend to have a firm grip on their cases in any event.

Letters of request

- 8.17 There are systems for ensuring that letters of request are sent promptly in the appropriate form to other jurisdictions when it is necessary to seek assistance from foreign criminal justice (and other) agencies. The FPS keeps manuals containing countries' information and these are used to supplement the personal experience of the lawyers. Those prosecutors with more experience of drafting letters of request are happy to assist colleagues where appropriate.
- 8.18 Advice is given on request at the pre-charge stage, usually on production of an investigator's form MG3 and letters checked before they are sent. Post-charge a significant amount of time is spent in some cases preparing tranches of letters of request and inspectors were impressed with their quality.

STRENGTHS

The quality of letters of request is high.

9 IN COURT

In-house coverage

- 9.1 FPS policy is that higher court advocates (HCAs) conduct all PCMHs other than those where a not guilty plea is expected. However, some PCMHs in cases which are very likely to be contested are conducted by HCAs. This is unhelpful in terms of achieving continuity.
- 9.2 Caseworkers are present for the part of the trial where the prosecution presents its case and counsel report that sufficient support is given in this respect. In cases prosecuted from the York office caseworkers attend the entirety of their own cases and there has been very positive feedback on the quality of the assistance provided by all caseworkers. However, there are issues with obtaining support in distant regional courts for cases prosecuted from London. This may be resolved by the impending recruitment of a caseworker subject to a contractual mobility clause.
- 9.3 Further detail in relation to the financial arrangements for in-house advocacy are dealt with further and in more detail at paragraph 11.21.

Advocacy quality

- 9.4 External stakeholders were positive about the quality of in-house advocates and counsel instructed by FPS.
- 9.5 The limited observations carried out by inspectors in the Crown Court and magistrates' courts confirmed a sufficient level of competence by in-house advocates.
- 9.6 Counsel are selected, on the ultimate authority of Director FPS, from annotated lists kept and updated centrally. Care is taken to spread work evenly and this has helped keep the rate of returned instructions to 17.9% of cases in our file sample. This system provides a degree of quality assurance, but it is not used consistently, so information tends to be anecdotal. As a result it lacks sufficient detail to assist informed selection of counsel. Also, the system does not assist the York office in selecting counsel based outside London.

ASPECTS FOR IMPROVEMENT

The FPS should ensure that systems for selection of counsel are robust and consistent.

Advocacy monitoring

- 9.7 Whilst there is an agreed process for monitoring the performance of counsel at court, it is rarely used. Standard forms have been developed for completion (mainly by caseworkers), but only a couple were completed throughout 2007-08. Caseworkers were concerned at committing their views to writing and preferred to give verbal feedback. In some cases counsel have been instructed despite the concerns of caseworkers, which mainly related to working practices, rather than competence.
- 9.8 Managers will want to ensure that there is an appropriate system for monitoring the performance of HCAs as advocates. During the inspection the feedback from external representatives was generally positive about prosecution advocates.

Instructions to counsel

- 9.9 FPS policy is that instructions to counsel should be prepared in all cases, even where the PCMH is to be conducted by an HCA. However, this does not always happen. Counsel reported to inspectors that the quality of instructions could be better and more timely in some cases. Our file examination showed that where instructions are drafted, they are often insufficient in detail and do not address all relevant issues. In fact, 82.7% of relevant cases in the file sample had no instructions, or instructions of insufficient quality. This negates the value of much of the work carried out earlier by the FPS if it is not communicated to counsel.

RECOMMENDATION

The FPS develop systems to ensure that instructions to counsel are complete, timely and that they add value to the case.

- 9.10 Although the quality of instructions could be improved, our file examination showed that in 96% of cases, counsel was instructed at the right time.

Electronic evidence

- 9.11 The use of electronic systems to transfer and present evidence is expanding. The FPS has agreed a protocol with Southwark Crown Court which is due to be rolled-out at other court centres soon, and the police are satisfied that the FPS is working hard to reduce the volume of paper that needs to be transferred physically in fraud cases.
- 9.12 Our court observation and feedback from partners confirmed that in-house advocates and counsel are robust in progressing cases in court. This approach is assisted by the role of the judiciary in progressing fraud cases, which is set out in the Lord Chief Justice's Protocol for the control and management of heavy fraud and other complex criminal cases (2005).
- 9.13 All other aspects of FPS performance in relation case progression are dealt with in Chapter 6.

10 MANAGING CHANGE

Strategy and vision

- 10.1 As explained in Chapter 1, the FPS is a new organisation operating with some uncertainty as to how it fits within the overall strategic approach to fraud. Fraud has not always been a priority within the criminal justice system as a whole in the past. Within the CPS, its profile was raised following the unsuccessful Jubilee Line case which was a key factor in the decision to establish the FPS as a specialist organisation.
- 10.2 In its first two years of operation the FPS has achieved its primary goals of establishing itself as a centre of excellence for fraud-related casework within the CPS, with an experienced workforce and appropriate premises (in London). Further, the FPS has quickly enhanced its reputation through the hard work of its staff and the quality of casework.

STRENGTHS

The FPS has quickly enhanced its reputation through the hard work of its staff and the quality of casework.

- 10.3 The organisation is now at a critical stage in its development. The Fraud Review and work undertaken by the National Fraud Strategic Authority (NFSA) need to be taken into account in future strategies. It is expected that the current economic climate will lead to an increase in the amount of fraudulent activity coming to light and, therefore, prosecutions. The police have made considerable investment in fraud investigation in London with an imminent and substantial increase in staffing levels. It is expected that the City of London Police will become the national lead force which would probably have a significant impact on the volume of work passed to the FPS.
- 10.4 The CPS has now completed its restructure, which included the establishment of a CCU within each geographic group of areas. There is a need for greater clarity as to the respective roles of these units and the FPS in handling complex fraud cases. The acceptance criteria for the FPS and the SFO are now strikingly similar which may contribute to some uncertainty as to who should prosecute specific cases. There is a clearer boundary between the FPS and the Revenue and Customs Prosecution Office, who currently only deal with cases involving fraud on public funds.
- 10.5 All of these factors could impact significantly upon the caseload of the FPS which would have a knock on affect on other key issues, particularly structures, resources and systems. A greater understanding of the likely volumes of fraud work to be prosecuted in the future, along with clarity as to which agency would undertake such prosecutions, would assist all agencies to plan more effectively.
- 10.6 The FPS has limited accommodation for expansion and this may well be an issue if staffing levels continue to grow. This will need to be an integral part of any plans.

- 10.7 It is important that FPS managers take a more proactive role in ensuring that its future direction is established. This is important as inspectors encountered various opinions as to the direction that FPS could or should take. There is no clear vision of the future yet and, whilst we recognise that there are a number of external dependencies, the Service will want to ensure that they can influence as much as possible any decisions.
- 10.8 The Fraud Review proposed a more coherent approach by existing organisations and it provided that the NFSA should perform a “problem solving role in respect of overlaps, conflicts or other obstructions to successful anti-fraud work”⁸. Therefore, it may be that the NFSA is best placed to analyse the current fraud landscape and to develop a clearer vision for the future.

RECOMMENDATION

The National Fraud Strategic Authority consider the respective roles and inter-relationships of the numerous agencies currently involved in fraud investigation and prosecution as part of their function of developing and supporting the delivery of a national fraud strategy; and within that programme bring forward proposals for coherent, structured and co-ordinated arrangements. The FPS should engage actively in this process.

Planning

- 10.9 Partly as a result of its position as a unit within CPS London, the planning for the FPS is not fully developed. At the present time the FPS planning and governance arrangements mirror the wider London area process. Whilst recognising the desire for CPS London to have a consistent approach to planning, the role and priorities of the FPS are very different to those of the rest of London. The FPS needs to develop its own business plan which is directed more to its own specific issues; this should enable greater focus on issues important to them, particularly at this important juncture in their development.
- 10.10 Many of the actions within the sector delivery action plan (SDAP), which is used by London units to plan at the detailed level, are of limited relevance to FPS priorities. Therefore it is not surprising that the SDAP itself lacks consistency. Some of the actions related to high level objectives are fine but others are weak and some are impossible to measure on the current performance framework. The high number of detailed objectives hampers a strategic approach without a degree of prioritisation. Responsibility for delivery and target timeframes are not evident in the SDAP and, significantly, there is no reference to plans for the York office. Similarly, whilst it is clear that efforts are made to complete the appropriate quarterly reviews of plans, the updates for some objectives have limited value. Managers devote valuable time to completing these returns when their time could be used more productively; this is particularly unfortunate at the present time when the FPS is short of two experienced managers.
- 10.11 Risk management systems are in place, but need to be more robust. Some of the more significant risks are conspicuous by their absence. The 2007-08 risk register did not include reference to the considerable risks related to the York office and timeliness and capacity issues are underplayed. Risks are reviewed on a quarterly basis, although the effectiveness of the reviews can be improved.

8 Fraud Review 2006, paragraph 3.30.

RECOMMENDATION

The senior management team of the FPS develop bespoke business plans and objectives that reflect their own priorities. Risk management plans need to be improved and reflect key challenges that lie ahead.

- 10.12 There is generally good liaison with the police, courts and other fraud agencies and relationships are strong and collaborative in the main. Contact is maintained through a mix of formal and informal meetings and fora. There is, however, scope to improve formal joint planning with partner agencies. This will become increasingly important as the 'lead force' concept and future strategies are developed.

Implementing change

- 10.13 At the time that the FPS was established a project group was set up to manage the implementation. They worked in conjunction with an external consultant and the team included support from staff not employed by the FPS; this was a benefit of being part of CPS London. The work of the project team diminished over time and some of the recommendations of the consultant's report were not completed.
- 10.14 In its comparatively brief existence the FPS has only been required to implement limited change. Few of the recent major criminal justice initiatives have affected it directly. In fact, the proposed closure of the York office was the only major change initiative in 2007-08 and this was not handled as well as it should have been. The issue was raised in the summer of 2007, but the decision to retain and expand the York office was only communicated to staff that December. The decision itself will be subject to further review at the end of 2008. This is discussed in greater detail at paragraph 11.16.
- 10.15 The FPS has limited capacity and experience at managing change which could present some risks if future strategies require major changes of approach. This may be assisted by the recruitment of additional staff that is underway.

ASPECTS FOR IMPROVEMENT

The FPS needs to bolster its capacity to manage change effectively.

Training and development

- 10.16 The majority of staff are very experienced and many of them have worked on fraud cases in previous roles. Most were generally content with the technical training available and had found the special training days to be useful. There is useful liaison and involvement of CPS Policy Directorate in training activity. Whilst the training days often include partner agencies, some police staff would welcome more joint training.
- 10.17 Formal planning for training is less developed than normally found within the CPS, but the small size of the team has minimised the impact of the less formal approach adopted, which may need to be reviewed if the FPS continues to grow. In addition to formal courses, ongoing discussions between staff on technical issues (for example letters of request) and some desk-side support were evident. Caseworkers are given access to legal training if they feel it is appropriate for their development. Caseworkers in the FPS tend to take more responsibility for legal issues, pre and post-committal, than is traditional for the role.

10.18 As found throughout the CPS, there is a limited amount of formal training for level A staff, although they have all undertaken the necessary CMS training. Some development work has been undertaken, for example, support for ILEX (Institute of Legal Executive) training. Level A staff would welcome more opportunities to cover court sessions.

10.19 Formal induction training is limited and can be improved. Whilst it is intended that colleagues will be able to mentor and support new joiners, this does not always happen and there were some indications that 'trainers' have come under increased time pressures as their own caseload has grown. Induction training will become more important as the organisation develops.

ASPECTS FOR IMPROVEMENT

The FPS should implement a more formal induction programme for new staff.

11 RESOURCE MANAGEMENT

Management of running costs

- 11.1 The FPS is funded as part of CPS London and as such is reliant on the CCP and Operations Director for its budget. This has not caused any significant difficulties in the past, although there would be some risks for the FPS if expectations of a growing caseload do materialise in an environment where overall budgets are not increasing.
- 11.2 Controls of running costs are sound and the FPS has operated within budget for each of the last two years, partly because it has been operating with less than its full complement of staff. Finance reports are issued and spend profile meetings take place on a monthly basis.
- 11.3 The systems to monitor and manage payroll costs are good and spot checks revealed no significant issues. Controls of committed expenditure for general administration costs are satisfactory, although reconciliation checks did not identify a misposted debit in a timely fashion, resulting in the error not being corrected before year-end. This meant the actual under spend was in reality approximately £60,000 more than shown in year-end reports (this would have had a corresponding beneficial effect on the other London sectors).
- 11.4 There is currently limited capacity and expertise in the management of budgets at the FPS. This needs to be taken into account when reviewing the management structure.
- 11.5 Managers are aware of the need to ensure value for money. It was decided on financial grounds not to employ full-time forensic accountants at the FPS but to 'buy in' experts as and when needed. Strict protocols are in place for instruction and negotiation of expert witnesses. In some long standing cases the police had already instructed experts at rates beyond those normally paid by the FPS and managers will wish to liaise with relevant police partners to avoid repetition of this.

Management of prosecution costs

- 11.6 The FPS has adopted an unusual means of forecasting prosecution costs in that it assumes all cases will go to full trial and budgets accordingly. As the guilty plea rate is close to 80%, there is a strong likelihood that forecast spend on prosecution costs will be over-estimated. In 2007-08 cases involving only 14 defendants went the 'whole distance' to a jury verdict. Unsurprisingly, it became clear towards the end of the financial year that the forecast was not accurate and £250,000 was returned to the London central 'pot'.
- 11.7 Various lists are run from CMS on a regular basis and these, in conjunction with a framework for graduated fees, are used to inform forecasts. The process is a little convoluted but seems to work for FPS managers. Accruals for prosecution costs are handled well, but can be complicated by the practice adopted by some chambers of not submitting fee notes until sentencing and confiscation hearings are completed.

ASPECTS FOR IMPROVEMENT

The FPS should review its current methods of predicting prosecution costs, with a view to improving the accuracy of forecasts.

- 11.8 Very high cost cases are subject to the relevant case management panels and are well controlled. Case auditors from London assist the FPS with some of the more complicated fees.
- 11.9 Caseworkers are generally effective at completing the relevant fee logs with only occasional lapses. Timeliness of payments is good once the fee notes have been received.

Staffing structures

- 11.10 This section focuses on the general staffing at operational level; management structures are dealt with in the Leadership chapter.
- 11.11 There is a lack of clear vision in relation to staffing strategy, which is the logical result of the challenges referred to previously in formulating a long term strategy. A more accurate appreciation of the volume of casework to be handled will be crucial in determining staffing levels. Budgets for additional lawyers and caseworkers were authorised in early 2008, although the staff were not in place at the time of the inspection. FPS managers are aware of the need to review staffing levels urgently, but feel somewhat constrained by the uncertainty over future workloads. Given that most FPS work comes from City of London Police, the imminent expansion of the Economic Crime Department will have a knock-on impact on the caseload that FPS will be expected to manage in the coming year. Therefore, the CPS will need to assure itself that there are sufficient resources to deal with this.
- 11.12 There are mixed views as to the ease with which suitable recruits can be obtained. A recent campaign for lawyers in London identified a number of suitable candidates, whereas the initial attempt to recruit lawyers for York at the end of 2007 was unsuccessful. There have also been difficulties in identifying suitably skilled caseworkers.

Assessing the workload

- 11.13 Many interviewees, including external representatives, were of the view that FPS staff were under increasing workload pressures and that some were struggling to cope. The police had expressed some concern over timeliness in recent months and FPS managers had accepted that they were experiencing some temporary difficulties with staff shortages, although there was some difference of views over the scale of the problem. Some recent loan and seconded appointments should help relieve backlogs in the short term.
- 11.14 However, the evidence of lack of staff resource is anecdotal and the Service has no real system for assessing how much resource it currently requires (building backlogs may be a proxy indicator). The senior management team has considered the possibility of introducing time recording to measure efficiency and quantify the need for extra resource, but this has not been taken forward. This may be worth revisiting in light of the proposed use of such systems in CCUs.

The York office

- 11.15 There is a small team based in York that handles fraud cases from nominated northern CPS areas. There have been difficulties in the past in recruiting lawyers for the unit, although the situation is a little better now. In the short term the York office is running at a level where it can take on limited new work which means that some new cases from the north of England are prosecuted from the London office. The role of the York office was reconsidered in 2007, when a proposal to close it down and prosecute all FPS cases from London was considered. A business case was accepted by the CPS London Board, subject to internal and external consultation. The uncertainty that this process engendered inevitably had an adverse impact on staff morale.

- 11.16 However, it has since been decided that the York office should remain operational and should be expanded. The decision was made on the basis that the referral of cases from the north of England began to increase significantly and there was a clear indication from northern police forces that they valued the presence of the York team. As discussed in paragraph 10.14, this decision has been communicated to staff in the York office, but it needs to be restated. There is an urgent need to consolidate the position of the York office by expanding it sufficiently to achieve critical mass and to ensure that it can take on all work from the north sector.

RECOMMENDATION

The senior management team review and consult on its operating structure as soon as possible, including the future of the York team. Also, in the short term it needs to assure itself that it has sufficient resources to deal with any immediate increase in caseload in the near future.

FPS as part of CPS London

- 11.17 Past circumstances made it difficult to formulate a robust structure and staffing strategy, but it is important that the situation is reviewed in the near future. Consideration should be given as to whether FPS continues to be part of CPS London. There have been some benefits in terms of support available from the wider pool of resources in London, but there have also been some disadvantages in being a 'small fish in a large pool'. Whatever decision is made, it is crucial that appropriate management attention is given to the priority issues that are key to the development of the FPS. In this context the risk to the ability to manage its running costs against a scenario of rising caseload will need to be addressed irrespective of where it sits within the CPS structures.

Staff deployment

- 11.18 The workload is unusual in that almost all of its cases are prosecuted in the Crown Court. FPS works hard to maximise in-house coverage at court and on the occasions that magistrates' courts' hearings are required, they are covered by FPS prosecutors.
- 11.19 The FPS has settled an advocacy strategy for 2008-09 which includes the expansion of the caseworker role to enable as much HCA deployment as practical. However, caseworkers are beginning to struggle with existing workloads at present, which presents a risk to the strategy, and the situation needs to be monitored carefully.
- 11.20 The unique nature of complex fraud work does not lend itself to in-house trial advocacy under current conditions and the CPS London Board is aware that targets must be viewed in this light. At the time of the review there were seven HCAs, one of whom had conducted a jury trial. The others exercise their rights at plea and case management and other preliminary hearings. We received some feedback from police and via questionnaires to counsel that, occasionally, HCAs were used at PCMHs for cases which were subsequently passed to counsel. Care needs to be taken to minimise such occurrences and to ensure compliance with the national agreement with the Bar.

- 11.21 The nature of FPS casework does not assist in realising significant counsel fee savings through the deployment of HCAs – in fact in 2007-08 the cost of providing in-house advocates was higher than the savings achieved. It is rare for the FPS to be able to achieve any economy of scale (for example, multiple PCMHs on the same day). Many of the trials last so long that attendance by an HCA would often be impractical. There are opportunities for some HCA work within complex cases (e.g. short trials for some defendants) and prosecutors and caseworkers need to be alive to identifying such possibilities in relevant cases.
- 11.22 There is a need to balance the aims of the business in maximising HCA work whilst not compromising the management and progression of the growing caseload. The personal development of individuals also needs to be taken into account. Some staff were nervous that failure to conduct regular HCA work could have a detrimental affect on career development.
- 11.23 The unit in York aims to deploy its own caseworkers for all cases irrespective of where the court is situated. We received positive feedback from external representatives on the level of support provide by York caseworkers.

STRENGTHS

The caseworkers in the York office work hard to provide an excellent level of support to advocates in the Crown Court.

- 11.24 We also received positive feedback on the support given by London caseworkers, although their policy on and ability to cover courts outside London can give rise to problems. The FPS was having difficulty in arranging caseworker cover for a lengthy trial to be heard in Plymouth in the near future. For both units, the increase in casework presents some risks and there are already examples of clashes in trial dates between different cases for the same caseworker.
- 11.25 Coverage of business needs is raised by management periodically and our observations indicate that staffing of the London and York offices is erratic on occasion. It may be significant that all staff work flexi-time and managers will wish to ensure that it is managed in such a way that the benefits of flexible working do not come at the expense of the business need.
- 11.26 There are no other flexible working arrangements in use at present.

12 MANAGING PERFORMANCE

Monitoring casework quality

- 12.1 FPS managers supervise the quality of casework very closely on an individual case basis. There are regular updates and meetings between prosecutors and the Director or Assistant Director on complex cases, although compliance with the updating varies among lawyers. Senior managers also monitor pre-charge advice carefully and any decision that a case should be subject to no further action requires authorisation. Therefore management oversight of individual cases, particularly the more complex ones, is good.

STRENGTHS

The quality and coverage of casework supervision by senior managers is very good.

- 12.2 In addition to the meetings and updates, managers undertake dip sampling by use of the national casework quality assurance (CQA) scheme. FPS has adopted the CQA process used by CPS London Serious Casework Sector which takes a slightly different approach to other CPS offices, in that the reviewing lawyer completes a CQA self-assessment prior to the check by managers. There was some variation in the quality of self assessments, although for the most part the management checks identified issues overlooked by the prosecutor. A copy of the form with the manager's comments is given to the prosecutor.
- 12.3 There is scope to broaden the range of monitoring. For example, whilst cases which are dropped at the point of charging decision are checked on a case-by-case basis, there is no evaluation as to why the rate is high. The low volume of casework has meant that monitoring of trends has been less important, but this will need to be considered if the caseload continues to grow.

Monitoring effectiveness of systems

- 12.4 It is accepted that casework outcomes are crucial, but it is also important that there are systems in place to monitor the effectiveness of processes and individuals in providing timely, efficient, good quality casework. This will be particularly important when increasingly tight budgets may have to contain a rising caseload, making it imperative that all are delivering to their maximum capacity. The FPS has yet to apply the CPS key performance indicators to its own circumstances and have yet to put in place arrangements for collecting data on these subjects. It will also need to be analysed and, where appropriate, disseminated. As the caseload develops, so it is more likely that trends will emerge. The police consider that some prosecutors are more robust and likely to give decisions more quickly, which leads to some targeting of individuals and could contribute to unfair distribution of workload.
- 12.5 There was a widespread perception that staff were under pressure to cope with growing caseloads. There is little information available to support or refute the contention, which does not help in assessing the appropriate staffing levels, or in driving up individual performance where appropriate.

- 12.6 A consultant's report at the time that the FPS began operating highlighted the importance of developing a performance management system; limited progress has been made so far. It is accepted that an external consultant is currently developing a performance framework for FPS, but inspectors consider that more progress should have been made already. The consultant's report will need to be carefully evaluated and reviewed to ensure that it meets the needs of the organisation. In particular, any performance framework needs to be able to monitor efficiency and timeliness. It is also important that the system includes an improved process of feeding back on wider learning points from performance management. In addition, it would be highly beneficial if the performance process could identify and share good practice; this is particularly important in light of the inconsistency of working practices that currently exists. The information generated by the framework should be incorporated into a periodic performance report for consideration at meetings of the senior management team.

RECOMMENDATION

The senior management team ensures that it undertakes regular formal reviews of performance underpinned by a documented and effective performance management framework to be in place by the end of 2008.

Managing individual performance

- 12.7 We learned of instances when managers had issued reminders to staff on compliance with specific processes or occasional shortcomings identified through monitoring systems. It was not unusual for reminders to be repeated as compliance or performance had not improved. This is not assisted by the current (temporary) management structure that means that almost all prosecutors report to one manager. A similar situation exists with caseworkers due to the shortage of a level B manager (the structures were being reviewed at the time of the inspection).
- 12.8 It is clear that feedback is given to staff on their own individual cases that are subject to management oversight. Performance appraisal is carried out, but not all staff understand the purpose (or are supportive) of the system. Examination of a sample of forms indicates that not all objectives meet the 'SMART' criteria.

ASPECTS FOR IMPROVEMENT

Managers need to ensure that there is an effective system for managing performance at individual level and that remedial action is taken where appropriate.

Joint performance management

- 12.9 There is some consideration of joint performance issues with the police and HM Courts Service, but this is relatively unstructured. Plans to enable monitoring of cracked and ineffective trials have not been implemented. There are regular meetings with police representatives in London at which performance issues are sometimes discussed, although this is not structured. There is no equivalent management interaction with any other police force outside London.

- 12.10 Where any concerns exist, they are more likely to be raised informally by a telephone conversation. A number of police officers commented that if they had a problem they would tend to call the Assistant Director as they had confidence that he would resolve their issues. There was limited evidence that this would lead to analysis of the root cause of any problem, or implementation of remedial action to prevent recurrence.
- 12.11 Both the FPS and police have systems that require a review of unsuccessful cases, although this does not always happen to the required level. There is scope for the greater use of joint reviews in relevant cases.

ASPECTS FOR IMPROVEMENT

The senior management team should engage with criminal justice partners with a view to implementing a more formal joint performance management regime that enables all agencies to learn from experience and continually improve performance.

13 LEADERSHIP

- 13.1 The senior management team (SMT), comprising the Director, Assistant Director, Business and Casework Manager, and Casework Support Manager, meets on a regular basis. There is useful discussion on many relevant topics, although there is a tendency for the meetings to concentrate on operational issues, with limited discussion on strategy or performance review. Meetings are minuted, but these are not made available to all staff.
- 13.2 Senior managers are highly respected internally and externally and this has contributed to an improved reputation among other fraud and criminal justice agencies. The SMT has earned the trust of partner agencies and they are perceived as having a positive 'can do' attitude.

STRENGTHS

Senior managers are highly respected internally and externally and this has contributed to an improved reputation among other fraud and criminal justice agencies.

- 13.3 Senior managers are visible and this has generally been appreciated, particularly in London where there is a higher level of direct contact between staff and management. Some lawyers felt aggrieved by the manner in which they were recruited into the FPS when it was founded. This took the form of a number of formal grievance procedures which have now been resolved. FPS senior management have worked hard to ensure that most staff in London are now content to be part of the sector.
- 13.4 Managers have been supportive of staff and have recognised good work undertaken by both individuals and the FPS as a whole. Many staff compared working for the FPS favourably with other parts of the CPS. There is a need to ensure that the relaxed and less formal working environment does not affect performance as the pressure of work develops. As stated in the previous chapter, senior managers need to ensure that staff and other managers improve compliance to agreed actions and take responsibility for delivering against corporate objectives.
- 13.5 Morale in London is good, but there are some residual issues in York that need to be resolved to improve the levels of staff satisfaction. These generally relate to the original decision to set up the FPS outside of the CPS Headquarters structure and the way in which the proposal to close York was handled (discussed at paragraphs 10.14 and 11.16). Concerns over the future remain an issue for some of the staff. Also, there are wider issues relating to the management of the York office. Whilst there are some attempts at integration (which include video link team meetings) York-based staff still tend to operate independently of London.

Communication

- 13.6 Significant efforts are made to communicate with staff although, as with many issues, this is more successful in London than in York. There are regular meetings for prosecutors, caseworkers and administrative staff at which a variety of issues are discussed. These are usually conducted by video link to enable the involvement of York staff. However, York staff do not enjoy the same level of access to or engagement with senior managers. Senior managers do visit York from time to time, but they accept that more frequent contact is desirable.

- 13.7 There is a staff magazine that covers a good mix of business, general and social topics.
- 13.8 Most staff interviewed place great value on the informal communication networks that have developed. The units are both compact and there is frequent discussion amongst staff on casework related issues. In London this involves frequent interaction with the Director and Assistant Director.

Management structure

- 13.9 The current internal management structures are far from ideal. The present combination of caseload and management pressures on members of the SMT are unlikely to be sustainable. This pressure was accentuated by the fact that FPS was two managers short at the time of our fieldwork, although we understand that progress has since been made in appointing additional staff. There is a need to reduce urgently the workload and reliance on the Assistant Director who is heavily involved in operational work, including a personal caseload, as well as strategic issues.
- 13.10 The level D managers currently devote almost all of their time to their own casework, to the exclusion of wider managerial duties. This might explain partly why senior managers have found it difficult to enforce some decisions and policy initiatives, such as timeliness, CMS usage, and monthly reports from all lawyers.
- 13.11 Some staff who currently have management responsibilities do not enjoy the role. The unusual structure of lawyers (mainly level D with one level E) tends to complicate reporting line issues.
- 13.12 Very strong leadership at the senior level needs to be complemented by more structured and proactive management at the next level down, where the focus is tilted too far towards operational work at present. The role of the lawyer managers also needs to be clarified. Any initial burden placed on other staff by this change in emphasis would be balanced out by the increased ability of managers to consider improvements in efficiency and in turn ensure that the efforts of the lawyers are harnessed most efficiently.

RECOMMENDATION

The FPS should review its management structure with a view to:

- reducing the operational burden on senior managers;
 - ensuring that there are at least two people operating effective line management controls;
 - clarifying the role(s) required to manage the corporate and administrative functions of the FPS; and
 - balancing the focus on strategic and operational issues.
-

External liaison

- 13.13 Managers and staff engage effectively with criminal justice partners and external agencies, although more can be done in respect of formal joint planning activity. They are considered by external partners and other agencies to be constructive and collaborative in their approach. There are regular meetings with City Of London and Metropolitan Police officers and occasional formal meetings with representatives of Southwark Crown Court. Relationships are sufficiently mature that ad hoc contact can be made if any agency has any concern over aspects of another's work.

STRENGTHS

Managers are constructive and collaborative in their dealings with partner agencies.

- 13.14 The role of the joint vetting committee needs to be updated, as recommended in the Fraud Review, and FPS senior management will need to take an active role in this to ensure that CPS needs are properly met. The FPS is not currently represented on the National Fraud Strategic Authority Programme Board and consideration should be given to changing this situation, especially in light of the recommendation made at paragraph 10.8.
- 13.15 The FPS has worked hard (under the community engagement umbrella) to develop relationships with a number of organisations with an interest in fraud. Some of the forum meetings attended will involve members of the public and local communities. Activity is undertaken across the country. FPS managers have had some involvement in the London Community Involvement Panel in 2008. As resources allow, so the SMT should broaden the number of staff involved in this engagement activity.
- 13.16 In line with our comments on business planning the FPS should consider developing its own community engagement strategy, to help direct the significant work which is already being done in this field.
- 13.17 Relationships with CPS areas and Headquarters are generally positive and work has been undertaken to improve awareness of FPS. The Director has regular meetings with the CCP for London and attends the relevant board meetings.
- 13.18 The Director FPS has attended CPS national conferences to raise the profile and understanding of their work. Some issues remain as to who should do what in terms of fraud work, which has been exacerbated by the formation of CCUs in each CPS group of areas.

Equality and diversity

- 13.19 Inspectors were impressed with the team spirit and camaraderie that they encountered within the FPS. Relationships between the different roles were strong and staff treat each other with respect. Incidents of any inappropriate behaviour are extremely rare.
- 13.20 A disproportionate number of suspects and defendants in FPS cases are from black and minority ethnic groups. The CPS, through the FPS, has a statutory duty to consider whether this means that the discharge of its function is having an unjustified adverse impact on these groups. The reasons for this apparent imbalance have yet to be analysed by any individual agency, or jointly. In the first instance the FPS should ascertain whether its acceptance criteria, or its approach to application of the Code for Crown Prosecutors in charging decisions, is a contributory cause of any disproportionately. This would technically discharge its statutory duty to carry out an initial equality impact assessment. Assuming that the cause of any imbalance does not arise from FPS systems or decision-making (and it seems unlikely from our file examination that there is a causal link), the FPS will need to work with police partners to identify the reasons for this. The FPS should consider taking further advice on this from the Director of the CPS Equality and Diversity Unit.

ANNEX A: FILE EXAMINATION DATA

Key

Y = Yes, N = No, NA = Not Applicable, NK = Not Known (NA & NK not included in percentages).

The range 1-5 represents performance where 1 = Excellent and 5 = Poor.

	Y	N	NA	NK	1	2	3	4	5	TOTAL	Y	N	1	2	3	4	5
General	Number of files										% of files		% of files				
Was there continuity of reviewing lawyer?	36	0	0	0						36	100.0%	0.0%					
Was there continuity of caseworker?	33	0	3	0						36	100.0%	0.0%					
Was there continuing review?	16	19	1	0						36	45.7%	54.3%					
Was there appropriate management involvement?	35	1	0	0						36	97.2%	2.8%					
Was the case management panel effective?	3	0	33	0						36	100.0%	0.0%					
Was there effective team working	34	1	1	0						36	97.1%	2.9%					
Was CMS used for core tasks, including all reviews?	20	16	0	0						36	55.6%	44.4%					
How well was the file organised?					4	8	17	7	0	36			11.1%	22.2%	47.2%	19.4%	0.0%
Rate the file endorsements?					2	11	13	7	3	36			5.6%	30.6%	36.1%	19.4%	8.3%
Rate the level of proactivity employed?					6	8	20	1	1	36			16.7%	22.2%	55.6%	2.8%	2.8%
Rate the level of professionalism employed overall?					6	11	16	3	0	36			16.7%	30.6%	44.4%	8.3%	0.0%
Investigative advice																	
Did the lawyer seek to add value?	15	2	19	0						36	88.2%	11.8%					
Charging																	
Was the charging decision correct?	34	1	1	0						36	97.1%	2.9%					
Was the reviewer proactive in identifying any evidential defects?	22	9	5	0						36	71.0%	29.0%					
Was the MG3 and MG3A correctly completed?	29	3	4	0						36	90.6%	9.4%					
Was asset seizure considered?	12	18	6	0						36	40.0%	60.0%					
Were other ancillary matters, such as disclosure and witness issues, considered?	17	17	2	0						36	50.0%	50.0%					
Was the charging decision recorded on CMS?	31	2	3	0						36	93.9%	6.1%					
Review																	
Were all reviews timely?	15	20	1	0						36	42.9%	57.1%					
Were all reviews recorded on CMS?	12	17	7	0						36	41.4%	58.6%					
Was the code test always applied correctly?	24	1	8	3						36	96.0%	4.0%					
Other legal work																	
Was the quality of the legal drafting sufficient?	14	0	22	0						36	100.0%	0.0%					
Case progression (magistrates' court)																	
Was the case progressed proactively by FPS?	34	0	2	0						36	100.0%	0.0%					

Review of the Fraud Prosecution Service

Was there a joint approach to case progression?	31	1	4	0	36	96.9%	3.1%									
Was the case properly reviewed before committal?	16	11	9	0	36	59.3%	40.7%									
Was the case ready for committal at the first attempt?	23	4	9	0	36	85.2%	14.8%									
Case progression (Crown Court)																
Was the case progressed proactively by FPS?	26	2	8	0	36	92.9%	7.1%									
Was there a joint approach to case progression?	25	3	8	0	36	89.3%	10.7%									
Was communication with other parties appropriate?	27	1	8	0	36	96.4%	3.6%									
Was communication with other parties prompt?	28	0	8	0	36	100.0%	0.0%									
Was the prosecution ready for all hearings?	24	4	8	0	36	85.7%	14.3%									
Was the case properly reviewed before trial	10	6	19	1	36	62.5%	37.5%									
Counsel																
Was the expert instructed at the right time?	8	0	27	1	36	100.0%	0.0%									
Rate the quality of the written instructions to counsel/expert?			7	0	1	3	1	12	12	36		3.5%	10.3%	3.5%	41.4%	41.4%
Was there appropriate continuity of counsel?	23	5	8	0	36	82.1%	17.9%									
Disclosure																
Is there a complete audit trail of disclosure decisions and activity?	21	7	8	0	36	75.0%	25.0%									
Was unused material well organised?	22	5	9	0	36	81.5%	18.5%									
Are the schedules of unused material correctly endorsed?	17	9	10	0	36	65.4%	34.6%									
Is there evidence that the legal decisions were taken properly?	22	5	9	0	36	81.5%	18.5%									
Rate the handling of disclosure material?			10	0	2	6	12	6	0	36		7.7%	23.1%	46.2%	23.1%	0.0%
Successful outcomes																
Was a satisfactory Confiscation Order made?	3	4	29	0	36	42.9%	57.1%									
Miscellaneous																
DCV compliance?	3	4	29	0	36	42.9%	57.1%									
CMS properly flagged	28	4	4	0	36	87.5%	12.5%									

ANNEX B: FRAUD PROSECUTION SERVICE ACCEPTANCE CRITERIA

- 1 The Fraud Prosecution Service (FPS) has been established to provide a specialist prosecution and advisory service for complex, sensitive and high value fraud cases both in London and throughout England and Wales.
- 2 The FPS will undertake the provision of pre-charge and general advice in appropriate fraud cases in London which are referred to it by the City of London Police Economic Crime Department and Fraud Squad and the Metropolitan Police Economic and Specialist Crime Division (SDC6) - other than money laundering or computer crime cases (which will continue to be handled by the Serious Casework Directorate).
- 3 Lawyers from the FPS will attend regular advice surgeries by arrangement with both the City of London Police and SCD6.
- 4 The type of cases to be handled by the FPS will fall into the following categories:

London

Those cases of alleged fraud falling within the Greater London area and elsewhere investigated by SCD6 as previously submitted to the Serious Casework Sector of CPS London or Headquarters Casework Directorate.

Those cases of alleged fraud falling within the City of London and elsewhere investigated by the City of London Police as previously submitted to the Serious Casework Sector of CPS London or Headquarters Casework Directorate.

Whilst the value of the alleged fraud is always a significant reason for the case to be accepted by the FPS, complexity and sensitivity and potential high media profile are other criteria for the handling of the case to be accepted by the FPS.

England and Wales

Alleged fraud from elsewhere in England and Wales where the alleged loss is in excess of £250,000 and which are complex or highly sensitive and comprising the following types of cases:

- Difficult corruption cases especially concerning public bodies and officials.
- Cases where it is necessary to maintain public confidence in the impartiality of the reviewer.
- Substantial and significant fraud on government departments (e.g. National Health Service).
- Frauds on the governments of other countries.
- Cases in which, because of widespread public concern, the FPS may be expected to perform a co-ordinating and standard setting role.
- Difficult cases requiring specialised knowledge involving, for example, Stock Exchange practices, regulatory bodies, complex banking issues, shipping law, onshore and offshore trusts, computer misuse in perpetrating the fraud.
- Significant and complex cases of money laundering in connection with fraudulent activity (otherwise the cases should be dealt with by Serious Casework Lawyers or the area).

The above list is not exhaustive but is indicative of the type of cases that fall within the criteria.

Any other case having a significant fraud element which is believed to fall within the remit of the FPS to be referred for consideration by the Director of the FPS.

- 5 The procedures for submission of all London cases to the FPS is that they will all be delivered to the charging administrator at the FPS so that they may be registered and then passed to the Director of the FPS or his duly appointed deputy for formal acceptance and allocation to an appropriately experienced lawyer.
- 6 In the event that any specific case is not deemed to meet the acceptance criteria, the relevant Police Officer or Senior Investigating Officer will be informed as soon as possible and the papers returned (or passed on to the appropriate unit in CPS London for handling).
- 7 High value or complex and sensitive cases from elsewhere in England and Wales will be referred to the Director of the FPS in the following manner:

For those cases in the southern part of the country (all areas south of Cheshire, Greater Manchester, South Yorkshire and Humberside) by the Chief Crown Prosecutor, Special Casework Lawyer or relevant Unit Head by contacting the Director of the FPS or his designated deputy in the first instance.

For cases in the northern part of the country (all areas north of Wales, West Mercia, Staffordshire, Derbyshire, Nottinghamshire and Lincolnshire) by the Chief Crown Prosecutor, Special Casework Lawyer or relevant Unit Head by contacting the Director of the FPS, or Anthony Barry at FPS, United House, Piccadilly, York.

In the event that cases are accepted then the same procedures as set out in paragraph 5 above will apply.

Should any case be deemed not to fall within the criteria for referral then the Director of the FPS or his duly appointed deputy will inform the referring area as soon as possible to enable appropriate alternative arrangements to be made.

In exceptional circumstances cases may be referred by senior police officers to the FPS when urgent advice is required but in normal circumstances it is anticipated that initial contact will be made through the appropriate senior lawyer for the area concerned.

- 8 In all cases where pre-charge advice is sought under the statutory charging scheme the submissions by the police will include a duly completed MG3 and all other appropriate documentation.
- 9 In the event of any disagreement or dispute under the terms of these criteria then matters will be referred to the Director of the FPS in the first instance and in the event of continued disagreement will be referred to the Chief Crown Prosecutor of CPS London.

ANNEX C: SERIOUS FRAUD OFFICE ACCEPTANCE CRITERIA

The key criterion we use when deciding whether to accept a case is that the suspected fraud appears to be so serious or complex that its investigation should be carried out by those responsible for its prosecution.

The SFO could not - and does not - take on every referred case of suspected fraud. SFO resources must be focused on major and complicated fraud.

Factors considered:

- does the value of the alleged fraud exceed £1 million?
- is there a significant international dimension?
- is the case likely to be of widespread public concern?
- does the case require highly specialised knowledge, e.g. of financial markets?
- is there a need to use the SFO's special powers, such as Section 2 of the Criminal Justice Act?

ANNEX D: EXTERNAL PROFESSIONALS WHO ASSISTED THE INSPECTORATE

External consultants

Andrew Munday QC
Jonathan Caplan QC
Clare Montgomery QC
Sandra Quinn, National Fraud Strategic Authority
Lorraine Rogerson, Office of the Attorney General
Richard Alderman, Serious Fraud Office
David Green QC, HM Revenue and Customs Prosecutions Office
Annewen Rowe, HM Revenue and Customs Prosecutions Office
Professor David Ormerod, Queen Mary College, London
John Benstead, Khan Partnership
Monty Raphael, Peters and Peters
Robin Booth, Burton Copeland
Mark Beardsworth, Kingsley Napley
DCS Steve Wilmott, City of London Police

External respondents

City of London Police

Geoff Knights
Paul Kirk
Joanne Jordan, FIU
Jason Verrall
Paul Farley
Colin Jemide, CSU

Metropolitan Police


DI Tim Dowdeswell
DS Sean Mason
DS Chris Felton
Nick Maue
DS Dave Waterhouse
DC Duckett

HM Courts Service

Marios Leptos
Sally Kenny
Tim Grigg
Jocelyn Griffith
Vicky Grayson

Revenue and Customs Prosecutions Office

Tom Martin



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